

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

Principal Bench, New Delhi

Original Application No. 104/2018

Shivpal Bhagat & Ors.

Applicant(s)

Vs.

Union of India & Ors.

Respondent(s)

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(Nazimuddin)

Scientist E

Central Pollution Control Board,  
Parivesh Bhawan, East Arjun Nagar,  
Delhi- 110032.

Date: 16.12.2021

Place: Delhi

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

In the OA No. 104/2018

Shivpal Bhagat versus Union of India &Ors

**Status Report of Oversight Committee appointed by Hon'ble NGT**

Date- 07.12.2021

1. The issue for consideration is the remedial action against pollution caused by the Coal mines , Thermal Power Plants, the coal washeries in Tamnar and Gharghoda blocks of Raigarh District in Chhattisgarh, including Chhattisgarh State Power Generation Company Ltd.(Gare Pelma Sector -III), M/s Ambuja Cement Ltd. Coal Mines (Gare Pelma Sector IV/8), M/s Jindal Power Limited, M/s Jindal Power and Steel Limited, M/s TRN Energy Private Limited, M/s Mahavir Energy & Coal Benefaction Limited, M/s. Hindalco Industries Limited, and M/s. Monet Energy Limited, SECL. The operation of the said units is resulting in contamination of air, water and land and having adverse impact on the environment and the habitants requiring monitoring of emissions, making the polluter accountable and to draw remedial measures.
2. A report dated 14-10-2019 was filed by the CPCB on behalf of the Expert Committee on 15.10.2019 in which the Committee visited various sites and considered the earlier reports, including maps and the data of air quality as well as water pollution. The committee also considered ground water depletion, soil pollution, forest loss, and livelihood loss and after detailed study of various aspects suggested for action plan in the form of short and long term measures.

3. The oversight committee held meetings and field visits to ensure implementation of remedial measures and submitted the status reports on 17.11.2020 in tabular form and made further recommendation, considering those the Tribunal issued directions to the Health and PWD Departments of CG Govt. and SECL. The Tribunal also directed consideration of suggestions of the applicants for taking due precaution in the course of dumping in low lying areas. So far as suggestions given by the applicants are concerned the Tribunal directed that the suggestions may be duly considered by the concerned authorities and the committee which may be co-ordinate by the CPCB. Committee after due meetings and field visit submitted their compliance status as on 15-03-2021 in tabular form and also made recommendations on field observations. On 24-06-2021 Hon'ble NGT considered the Committee's report filed on 16-04-2021, committee's field visit, status of compliance as on 15-03-2021, field observations and recommendations. Hon'ble NGT also considered the response of the applicants to the report of the Committee and actions suggested by the applicants and passed order on 24-06-2021. Hon'ble NGT in its order dated 24.06.2021 reconstituting the oversight committee has passed following orders:-

“8. We have given due considerations to the report of the Committee as well as suggestions made on behalf of the applicants. The recommendations of the committee need to be accepted. State Board should prepare list of areas where the unscientific disposal of fly ash has been taken place and generate data about the quantity of the coal mined, used in the industries and available for TPPs. Steps need to be taken expeditiously for development of health facilities, constructing necessary road from Raigarh to Dharamjaygarh and from Punjipatra to Milupara, disposal of fly ash in abandoned coal mines and constitution of state level committee to look into scientific utilization of the fly ash. Taking such steps is undoubtedly necessary for protection of the

environment. The suggestions of the applicants reproduced above also need to be considered by the Oversight Committee.

9. The Oversight Committee may make assessment of compensation for the violations on the basis of which the statutory State Board may take further action, following due process of law. The Committee may continue to oversee remedial measures in terms of directions of this Tribunal. The Committee may undertake field visit and also interact with all the stakeholders. The Committee will be at liberty to take assistance from any other Expert / Institution.”

10. NGT passed order that “We regret to note failure of the concerned departments of the state of Chhattisgarh to respond the Committee and to perform their constitutional obligation to protect environment and public health. Pending taking coercive measures for such failure in due course, we direct the Chief Secretary, Chhattisgarh to ensure necessary action on the part of the concerned department , including PWD and Health on the subject of construction of road and providing Health care facilities and drinking water to the victims in the area. Any negligence by the State authorities may result in rendering the concerned senior officers personally accountable by way of prosecution under the provisions of the NGT Act, imprisonment under section 25 NGT Act read with section 51 CPC and exemplary costs out of their salaries” H

12. The report about the compliance status as on 30-11-2021 may be furnished to this Tribunal on or before 15-12-2021 by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. A copy of the report may also be provided to the authorities who are required to implement the recommendations of the Committee to enable such authorities to file their response, if any, before the next date.

List for further consideration on 11-01-2022.

A copy of this order be forwarded to Chief Secretary, Chhattisgarh, MoEF&CC, NEERI, CPCB, State PCB, the Collector, Raigarh and Justice

V.K.Shrivastava, Former Judge of Chhattisgarh High Court by e-mail for compliance.”

4. First meeting HELD AT CIRCUIT HOUSE BILASPUR ON 19-07-2021

Compliance status of short term and long term measures as on 15-03-2021 described in Hon’ble NGT’s order dated 24-06-2021 in para 4 and field visit in para 5 has been discussed at length. Applicant’s suggestions also seen. For compliance of Hon’ble NGT’s order dated 24-06-2021 action plan has been considered. Hon’ble NGT has directed that The Oversight Committee may make assessment of compensation for the violations on the basis of which the statutory State Board may take further action, following due process of law. The National Green Tribunal Act 2010 does not define compensation, however section 15 authorizes the Tribunal subject to sub sections (2) to (5) to provide by an order (a) relief and compensation to the victim of pollution and other environmental damage arising under the enactments specified in the schedule 1 (including accident occurring while handling any hazardous substance) (b) for restitution of property damaged (c) for restitution of the environment for such area and areas. State Pollution Control Board having various functions has also been empowered to do such other things and to perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purpose of The Air (Prevention and control of pollution) Act 1981. Although CPCB has drawn and issued methodology for assessing Environmental Compensation and action plan to utilize the same but that does not mean that it restricts assessment of compensation for

victim of pollution relating to its person and property. In view of the above assessment of compensation as desired by Hon'ble NGT does not have any restricted meaning. Committee decided to meet applicants and interact with all stake holders, undertake field visit, collect information for making assessment of compensation relating to environmental, personal and property. No one file any document to appraise compliance of earlier recommendation however we expected with member concerned to file relevant papers so that further remedial measures may be considered. Committee decided to interact with applicants on 23-08-2021 in first part of the day and to interact with stake holders in second part of the day. Committee shall revisit sites earlier visited on 24-08-2021. Sites fresh or old not seen earlier to be visited on 25-08-2021. Committee's meeting should be held in first part of 26-08-2021. First meeting's minutes drawn is attached herewith as **Exhibit -1**.

5. On second meeting the issues raised by the applicants / villagers were about mishandling of fly ash by Jindal Power Limited (JPL) in GP IV/01, GP IV/02 and GP IV/03 mines. The applicants have also raised the issue of fly ash leakage from Ash Dyke of JPL and unscientific dumping of fly ash in low lying areas by M/s TRN Energy Pvt. Limited and Mahaveer Energy & Coal Benefication Limited. Also applicants made brief submissions on their suggestions on action suggested before the Hon'ble NGT.

The oversight committee suggested to the villagers and applicants for submission of their claim in writing about damage occurred due to cause informed in the meeting. The claims were to be submitted in the office of Regional Officer, Chhattisgarh Environmental Conservation

Board, Raigarh on before 10<sup>th</sup> September 2021 and claimants to be physically present for hearing before Oversight Committee on any day during 14<sup>th</sup> to 16<sup>th</sup> September 2021 at Bilaspur.

The oversight committee also heard the stakeholders in A/N on 23<sup>rd</sup> August 2021 for submission of their compliances on the issues raised by applicants/ villagers. We did Field Visit of Tamnar area on 24.08.2021 on this visit we visited CSPGCL Coal Mines ( Gare Pelma Sector –III), M/s Ambuja Cement Coal Mines ( Gare Pelma Sector- IV/8)-M/s Hindalco Mine drain and water supply in Kondkhel Village, Gare Palma IV/01 OC Mines, Gare Palma IV/02 & 03 Open cast mines of SECL. JPL Ash Dyke . On 25-08-2021 Field visit of Gharghoda area has been done.

The committee has visited few sites of fly ash dumping where proper strengthening and compaction of fly ash has not been ensured by M/s TRN Energy Pvt Limited resulting flow of fly ash in to adjoining fields and drains leading to River. The location of fly ash dumping exits in village Bhengari, Nawapara, Tenda and Kantagdeeh. Even on the side of State High way unscientific fly ash dump has been found, also adjoining fields have been covered under fly ash dump. The committee also visited newly constructed ash dyke near the power plant in Nawapara .Visit of Sites of Ash Disposal by M/s Mahaveer Energy & Coal Benefication has also not done. The committee has visited dumping sites on 25<sup>th</sup> August 2021 and found fly ash dumping in Bhengari village and also in the plant premises. Visit of Fluoride contaminated village- Saraitola, Tamnar- has also been made. On 26-08-2021 status of implementation of short term and long term action plan as per field observation was discussed in the meeting .In order to summaries the non-compliances, damage caused, feasible remedies and assessment of compensation, the committee has decided to conduct the hearing meeting at Bilaspur during 14-17<sup>th</sup> September 2021.

Minutes of the meeting dated 23<sup>rd</sup> to 26 of August having complete details is **Exhibit -2**

6. For assessment of environmental compensation hearing meeting was conducted from 14<sup>th</sup> to 17<sup>th</sup> of September 2021.,in which opportunity of

hearing was afforded to parties , State authorities and also CECB on various points . Review meeting was also done. In order to summaries the non-compliances, damage caused, feasible remedies and assessment of compensation, the committee has decided to conduct the meeting at Bilaspur during 26-27<sup>th</sup> October 2021 for Calculation of environmental compensation in those cases found not satisfied during hearing in last meeting, Calculation of property damage on application submitted by villager etc.

Minutes of meeting contains complete details and that is **Exhibit 3.**

**7. On meeting dated 26-27<sup>th</sup> October 2021 ( ivth meeting ) and on 25-11-2021 ( Vth meeting ) Environmental compensation/Penalty has been assessed , for ready reference extracts of those are reproduced here in below :-**

1. Supreme Court of India, M/S. Goel Ganga Developers India ... vs Union Of India Through Secretary ... on 10 August, 2018:- Para 59 (viii) We uphold the original order dated 27.09.2016 holding that the construction raised by the project proponent was in violation of the environmental clearance granted to it on 04.04.2008. We uphold the fine imposed upon the PMC and the direction given to the PMC to take appropriate action against the erring officials. We also uphold the direction given to the Chief Secretary to the State of Maharashtra and in addition, direct that the Chief Secretary to the State of Maharashtra shall look into the conduct of the official holding the post of Principal Secretary (Environment) to the Government of Maharashtra on 27.09.2016 and will submit his report to the NGT within three months from today;

2. Director General (Road Development) National Highways authorities of India V. Aam Aadmi Lokmanch and others AIR 2020 Supreme Court 3471 .

- (1) Calculation of environmental compensation against TPPs and Coal Mines in cases found not satisfied during hearing in last meeting

The environmental compensation (EC) is based on the following formula-

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

Where,

EC= Environmental Compensation in Rs

PI= Pollution Index of Industrial Sector

N= Number of days of violation took place

R= A factor in Rs

S= Factor for scale of operation

LF= Location Factor

Note-

1. Average Pollution Index (PI) 80 has been taken considering Coal Mine & TPP in Red category of Industry
  2. N, Number of days for which violation took place is period between the day violation observed and due date of compliance is taken as 30.11.2021 ( As the status report is up to 30.11.2021)
  3. R, A factor in Rs is taken 250 only
  4. S, Factor of scale of operation 1.5 as coal mines and TPP are large scale units.
  5. LF, has been taken 1.0 for population less than one million
- (2) Calculation of property damage on application submitted by villager in favour of the applicant against TPPs
- (3) Calculation of property/ crop damage was done on the basis of area and tentative loss to crop and rate per hector.

### **1. M/s TRN Energy Private Limited, Nawapara, Raigarh-**

M/s TRN Energy Private Limited (2x300MW) thermal power plant is located in village Bhengari, Nawapara (Tenda), Gharghoda, Raigarh. The plant started its commercial production in 2016 with an average generation of fly ash 4000 MT per day. The thermal power has generated approximately 28,79,126 MT fly ash during January 2016 to March 2021, out of which 58% (1665007MT) has been disposed in low lying area of village Chote Gumda, Bade Gumda, Nawapara, Tenda and Baansmuda. As per detail submitted by the TPP the area used for disposal

of fly ash is approximately 17.378 Hectare.

TRN power has created an ash dump violating EC conditions outside its ash dyke in the village Nawapara Tenda. There are physical evidences for breaching of mudwall leading to fly ash flowing into adjoining field even situation to fly ash into neighboring inhabitants. On field visit on 24-25.08.2021 we have seen that by the side of State High way unscientific fly ash dump has been found, also adjoining fields have been covered under fly ash dump causing utility loss of those fields. Erosion of the land due to fly ash is clear. Another fly ash dump adjoining to Forest and nalah in personal land of some villager have been seen, due to cracks and land break /erosion from various points water along with fly ash flowing from there is clear the dump is not in low lying area but is on plane ground by the sides of Bargad tree. No guide lines as prescribed since 1999 have been followed. On earlier visit in March 2021 committee found that TRN power has created an ash dump outside its ash dyke in the village Nawapara Tenda. The top of Dump was at least 10 feet above the ground level. It was also observed that because of breaking of mud wall fly ash was flowing into adjoining field. To prevent the same no remedial measures has been taken by the PP. On current visit dated 25-08-2021 we find that some of the fields have become useless, in agricultural field flowing of fly ash was found. On road side flow we could see the flowing of fly ash in heavy quantity. A pretty big area has been covered under flowing of fly ash from this Dump.

Representative from TRN admits all these OB dumps and contended that after obtaining the permission from land owner and Gram Panchayat Fly ash dump have been made.

Although they brought some papers and made attempt to show that they have not violated the Environmental conditions, but could not produce permission / consent of State Pollution Control Board. The thermal power plant has also submitted copy of study report conducted in 2018 by ISM Dhanbad which recommends about no metal contamination in ground water due to leaching from fly ash disposed in low lying area.

Ministry of Environment and Forests Notification No. S.O. 763 (E)

dated 14th September 1999 only permits for reclamation and compaction of fly ash in low lying area in accordance with specifications and guidelines laid down by the authorities as mentioned in clause 3 of that notification. None of the notifications or guidelines gives liberty to loose disposal of fly ash that's too above ground level.

Chhattisgarh Environment Conservation Board has informed about issue of closure notice to the industry. TPP has submitted the reply of notice which is under consideration for decision. The representative of the industry have informed about construction of new ash dyke for which land has been acquired in 2017 and Environmental clearance obtained in year 2011.

Ash Dyke belonging to TRN Energy Ltd , on visit we find that at one place wall of the dyke is severely damaged and we apprehended that accident may took place, Nodal Officer informed the facts for repairs forthwith so as to avoid any unfortunate event. Underground water discharge from dyke is there and the discharged water is flowing to agriculture field. Water samples have been collected. Fly ash flying over the ash dyke has also been seen. Even some of the persons were seen roaming over the dried fly ash lying in the dyke. It appears that there is no recycle water system operating. Construction does not appear to be scientific.

Representatives of TRN does not dispute the damage but they contended that Railway has made dump of the soil in their outer wall and that dump has been eroded due to rain but could not show any evidence to support his contentions. They also stated that as per original permission accorded by MoEC&CC they have constructed this second Ash dyke and for perusal shown the permission letter. In this permission letter there is no sanction of more than one ash dyke even as per deliberation it could come to know that first ash dyke is inside the Plant and this ash dyke has been made outside the plant. Whether ash dyke should have been built in the vicinity of habitants, to reply this question they could not able to show any legal authority or any permission. So far as water discharge is concerned they stated that this water discharge belongs to Railway.

For non compliance of the environmental standard/ violations of legal

direction for which there is no rebuttal on the other hand has been open and as disclosed above is proved. TRN is liable for environmental compensation.

In compliance of Hon'ble NGT, Principal Bench order dated 12.02.2020 in OA No.117/2014, CPCB has computed the amount of Environment Compensation for individual TPPs for non-utilization of 100% fly ash in year 2018 (2018-19) and 2019 (2019-20) respectively. M/s TRN Energy Private Limited, Nawapara is also included in that list for Environmental Compensation of Rs. 1,48,80,488 on which Hon'ble Supreme Court vide its order dated 04.11.2019 has directed deferment of the proceedings.

In addition to above and in view of a number of breaches of environmental conditions not earlier considered for compensation, independent Environmental Compensation for following period is calculated as under-

- Initial date of compensation- 01.04 .2020
- Last date of compensation- 30.11.2021
- Number of days- 608
- EC in Rs. 1,82,40,600/- (One Crore eighty two lakhs forty thousand and six hundred )

## **2. M/s Mahaveer Energy & Coal Benification Limited –**

M/s Mahaveer Energy & Coal Benification Limited is Biomass based 12MW Thermal Power Plant located in Village Bhengari, Gharghoda, Raigarh. The plant started its commercial production in 2014 with an average generation of fly ash 20,000 MT per annum. The thermal power has generated approximately 1,39,839 MT fly ash during April 2014 to March 2021, out of which 0.04% (56MT) has been disposed in low lying area of village Bhengari. The industries during hearing have submitted documents related with agreement for fly ash use by Sh. Saroj Kumar S/o Sh. Prabhakar Kumar in Brick manufacturing. This agreement was done on 04.12.20 indicating that fly ash generated before 04.12.2020

have been disposed in low lying area. The industry has also provided copy of revenue records in support of ownership of the land. Ministry of Environment and Forests Notification No. S.O. 763 (E) dated 14th September 1999 only permits for reclamation and compaction of fly ash in low lying area in accordance with specifications and guidelines laid down by the authorities as mentioned in clause 3 of that notification. None of the notifications or guidelines gives liberty to loose disposal of fly ash that's too above ground level. No consent has been obtained from CECB .

The above said notification only permits for reclamation and compaction of fly ash in low lying area but do not give liberty to loose disposal of fly ash that's too above ground level. The oversight committees during its visit have observed heaps of disposed fly ash giving its way to become air borne or flow with rain water in drain leading to surface water contamination.

In compliance of Hon'ble NGT, Principal Bench order dated 12.02.2020 in OA No.117/2014, CPCB has computed the amount of Environment Compensation for individual TPPs for non-utilization of 100% fly ash in year 2018 (2018-19) and 2019 (2019-20) respectively. M/s Mahaveer Energy & Coal Benification Limited is not included in that list for Environmental Compensation because the industry has submitted report of 100% utilization in manufacturing of fly ash brick to Chhattisgarh Environment Conservation Board which seems to be misleading information given to statutory authority.

Mahaveer Bio Energy has created an ash dump behind its premises in violating the SOP and EC even creating a public hazard. On field visit dated 25-08-2021 we found near a temple there was a fly ash dump adjoining to Forest and River, due to erosion from various points water along with fly ash flowing from there is clear the dump is not in low lying area but is on plane ground and as per persons gathered there the land is govt. land recorded as ""ChoteJhad Ka Jungle"". No guidelines as prescribed since 1999 have been followed. As per report of committee

dated 11-10-2019 it has been found that M/S Mahaveer Energy is indulging in extensive and irresponsible disposal of fly ash in village Bhengari. In that report Fig. 3 Éxtent of fly ash dumping in agricultural land in Bhengari Village close to Bhengari Nala and Fig. 4. 40 feet height flyash dump by M/s Mahaveer Energy in Bhengari village (in the name of low lying areas dump) . On recent visit on 25-08-2021 we saw the spot (Fig.4 of that report) and found that earlier reporting still continues. We also saw evidence of flowing fly ash from upper portion to lower portion. On 15-17 March visit it has been noted that Mahaveer Energy has created an ash dump behind its premises the top of dump is at least 10 feet height above the ground level and does not confirm to the SOP for dumping in low lying area, even there is no proper retaining wall around the dump creating a public hazard. In present visit we still found the Dump present in open sky flying ash in environment.

Representative from Mahaveer Bio Energy to defend their action have accepted all those dump but their contention is that because of demand of Mandir Samiti, dump near Mandir has been made, other dump are in their own land, they are using fly ash in making the bricks under their own kiln and also providing fly ash to other kiln holder but to support he could not produce land owner ship in his name or other documents regarding actual use of fly ash in making the bricks.

For non compliance of the environmental standard/ violations of legal direction for which there is no rebuttal on the other hand has been open and as disclosed above is proved. M/s Mahaveer Energy & Coal Benification Limited is liable for environmental compensation.

In compliance of Hon'ble NGT, Principal Bench order dated 12.02.2020 in OA No.117/2014, CPCB has computed the amount of Environment Compensation for individual TPPs for non-utilization of 100% fly ash in year 2018 (2018-19) and 2019 (2019-20) respectively. M/s Mahaveer Energy & Coal Benification Limited is not included in that list for Environmental Compensation because the industry has submitted report of 100% utilization in manufacturing of fly ash brick to

Chhattisgarh Environment Conservation Board which seems to be misleading information given to statutory authority.

Environmental Compensation is calculated as under-

- Initial date of compensation- 01.01.2018
- Last date of compensation- 30.11.2021
- Number of days- 1429
- Operation factor considered- 0.5 ( small scale- biomass plant)
- EC in Rs. 1,42,90,000/- (One crore forty two lakhs ninety thousand)

**3. Penalty/Fine on Principal Secretary Public Works Department, State of Chhattisgarh.**

**Committee constituted vide order dated 22-07-2019 after due consideration including field visit submitted its report and the recommendations made therein were considered by the NGT vide order dated 27-02-2020**

*Short term measures*

*4.1 f. Proper repairing and maintenance of roads both inside and outside the mine area to ensure smooth movement of trucks and other load carrying vehicles.*

*Long term measures*

*4.2 b ) To reduce the pollution and other impacts caused by road transport of coal and mother minerals , direction may be issued that coal transport by road from coal mines or thermal power plants in these two blocks will be permitted only for a year , after which transport must done by rail or closed conveyor belt only.*

*Hon'ble the NGT in order dated 27-02-2020 in para 4 has mentioned that "We find that the recommendations are based on relevant studies and need to be considered by the power plants and mines in the area for*

*protection of environment and public health and environmental rule of law.*

**Further compliance review status as on 09-11-2020 has been filed and considered by Hon'ble NGT vide their order dated 20-11-2020.**

## *02. Long Term Measures*

### *REVIEW STATUS AS ON 09-11-2020*

*As per report obtained from SECL it is evident 35% increase in daily average dispatch by rail in comparison to the FY 2019-20 after construction of new rail line between Kharsia – Gharghoda- Korichhapar , coal dispatch from Korichhapar railway siding commenced in FY 2019-20. It is assumed that coal transport by rail may increase by 50% in addition to earlier transport in rail by December 2020.*

*The Committee on field observation has made recommendation as below:-*

- 1. EE PWD was present before committee to apprise the status of PWD roads in the area .Committee has observed very bad road conditions in Tamnar and Gharghoda area which seems to be one of the measure factors for deterioration of ambient air quality. EE PWD Sh. Khamra has informed the committee about requirement of immediate construction of approximate 111 KM CC road ( Raigarh to DharamjayGarh about 76 Km and Punjipathra to Milupara about 35n Km.)but due to budget constraint the work is pending since last several years. An amount of Rs. 335Crore may be required to complete the construction of CC road in the area of Tamnar and Gharghoda. More over SECL has paid an amount of 42 Crore to Raigarh PWD for construction of 19 Kms, 7m wide tar road from Gharghoda to Jampali in compliance of NGT order.*
- 2. RECOMMENDATIOINS*
- 3. 2.Hon'ble NGT may like to direct Principal Secretary, PWD, Chhattisgarh Government to sanction budget of Rs. 335 Crore ( @ Rs 3.00 crore per km) for construction of CC road approximately 111 km length of 7 m width (Raigarh to DharamjayGarh about 76 km and Punjipatra to Milupara about 35 km ) and insure its execution before March 2021. In this context time bound action plan with bank guarantee of Rs. 35 Crore may be obtained from PWD, Chhattisgarh to ensure timely execution of the work.*

**Hon'ble NGT passed order that Principal Secretary Health and the PWD Department, Chhattisgarh Government may act as per recommendations of the committee. (NGT order dated 20-11-2020)**

**Further compliance review status as on 15-03-2021 has been filed and considered by Hon'ble NGT vide their order dated 24-06-2021.**

*f). Proper repairing and maintenance of road outside the mine area to ensure smooth movement of trucks and other load carrying vehicles.*

*REVIEW STATUS AS ON 15-03-2021*

*EE PWD, Raigarh has informed the committee about requirement of immediate construction of approximate 111 KM CC road ( Raigarh to DharamjayGarh about 76 Km and Punjipathra to Milupara about 35n Km.) but due to budget constraint the work is pending since last several years.*

*Letter issued to PS, PWD, S-1/03 Mahanadi Bhawan, Raipur by this office vide number RDB/NGTOA 104/2018/553 dated 07-09-2020 and 06-01-2021 to sanction Rs. 335 crore for construction of 111 km CC road. No response has been received from PS, PWD Chhattisgarh Government.*

*FIELD OBSERVATION S*

*5. EE PWD Raigarh has informed the committee about immediate construction of approximate 111 Km CC road (Raigarh to Dharamjaygarh about 76 Km and Punjipathra to Milupara about 35 Km) but due to budget constraint the work is pending since last several years. An amount of Rs. 335 Crore may be required to complete the construction of CC road in the area of Tamnar and Gharghoda. Hon'ble NGT in its order dated 20-11-2020 (point 5) has instructed PS, PWD to sanction the required fund and ensure execution before March 2021. During field visit execution of the work was not observed, hence the issue was further clarified with EE, PWD, Raigarh who informed as under:-*

- > Main High way connecting Raigarh to Dharamjaygarh has now been included in National Highway Scheme*
- >Stretch from Chhal Mines to Gharghoda has been approved for two lanes*
- >Stretch from Punjipathra to Milupara via Tamnar not yet approved*

*In view of the above committee has instructed to EE, PWD, Raigarh to identify badly damaged patches in this stretch and prepare a budget and get the same approved so as to complete the work within three months. Stretch from Punjipathra to Milupara via Tamnar has also to be taken on highest priority because of the heavy traffic load on this route.*

#### *RECOMMENDATIONS*

*4. Hon'ble NGT may like to direct Principal Secretary, PWD, Chhattisgarh Government to sanction budget for 111 km road from Raigarh to Dharamjaygarh and Punjipathra to Milupara via Tamnar and ensure its execution within three months. In this context time bound action plan shall be submitted to ensure timely execution of work.*

#### *FIELD OBSERVATIONS AS NOTED IN PARA 5 OF THE ORDER DATED 24-06-2021.*

*5. Improve Road quality to reduce spillage and air pollution- Gharghoda and Tamnar area of Raigarh is extremely in coal mineral and extensively mined by SECL and other private companies. It was observed that very less percent of coal produced in the area is available for existing industries of Raigarh. Most of the coal mined is being transported to nearby areas in Chhattisgarh and other states. Hence road condition of Raigarh plays an important role in deterioration of ambient air quality. In order to ensure better ambient air quality and statistical balance is to be developed between road transport and rail transport. It was found satisfactory that developments of rail network with five coals siding the area are at the stage of completion. Hence it is required to decide a time line for transportation of coal by rail only specially being dispatched to other states. Road transport of coal shall be limited for those power plants operational in Raigarh.*

*EE PWD, Raigarh has informed the committee that main highway immediately connecting Raigarh to Dharamjaygarh has now been shifted to NH scheme. Stretch from Chall mines to Gharghoda has been approved for two lane and its strengthening. Stretch from Punjipathra to Milupara via Tamnar (25 km) and stretch from Milupara to Lailung not yet approved.*

*Action : Since the actual process of constructing the NH will take atleast*

two years , PWD is instructed to identify badly damaged patches in this stretch and prepare a budget and get the same approved and acted upon immediately ( within 3 months). As for as constructions of other stretches are concern PWD shall take highest priority because these are the stretches with heaviest traffic density.

**Hon'ble the NGT in para 8 have observed that Steps need to be taken expeditiously for development of health facilities , constructing necessary road from Raigarh to Dharamjaygarh and from Punjipathra to Milupara,..... In para 9 directed that "The Oversight Committee may make assessment of compensation for the violation on the basis of which the statutory Board may take further action, following due process of law."In para 10 passed order that "We regret to note failure of the concerned departments of the state of Chhattisgarh to respond the Committee and to performs their constitutional obligation to protect environment and public health. Pending taking coercive measures for such failure in due course , we direct the Chief Secretary , Chhattisgarh to ensure necessary action on the part of the concerned department , including PWD and Health on the subject of construction of road and providing Health care facilities and drinking water to the victims in the area. Any negligence by the State authorities may result in rendering the concerned senior officers personally accountable by way of prosecution under the provisions of the NGT Act, imprisonment under section 25 NGT Act read with section 51 CPC and exemplary costs out of their salaries" H**

Thrice Hon'ble NGT passed order against PWD and Health Department of State of CG finally apprised them towards penal consequences of disobedience but both these department took the said orders in a very casual manner and even gave a deaf ear to those orders.

Opportunity of hearing for consideration of environment compensation/ penalty has been provided. Intimation was sent to PS PWD Chhattisgarh Government to join the committee meeting on 16<sup>th</sup> September 2021 for hearing about progress/ constraint observed in delivering the target defined in action plan submitted to Hon'ble NGT.

Chief Engineer, Bilaspur and Executive Engineer Raigarh of PWD attended the meeting and briefed the progress as under-

1. An amount of Rs.6274.33 Laks is sanctioned on 08.09.2021 for 27.50 km CC road from Punjipathra to Tamnar.
2. Approval granted on 23.02.2021 for an amount of 2032.95 Lakhs for renovation work of 13.40 km road from Raigarh to Gharghoda.
3. Approval granted on 08.09.2021 for an amount of 1797.25 Lakhs for renovation & Strengthening work of 10 km road from Chaal to Gharghoda.
4. So far as patch repair work is concerned, no documents or material could be produced even otherwise we could not see any repair work going on, on the roads.

All above sanctions and approvals are subject to acquirement of land, Release of Loan and two years' time for completion. Till date there is no progress regarding acquisition of land, sanction of loan, etc. All these facts itself shows that matter has not been given any seriousness or to say in near future the road is not going to be made.

The committee is not satisfied with submission.

Matter to be considered for imposition of Penalty/Fine

From afore stated complete facts it is clear that dept.of PWD did not care to follow the directions of the committee and also did not complied the orders of the Hon'ble NGT even they misguided committee and NGT by informing that road main highway connecting Raigarh to Dharamjaygarh has now been shifted to NH scheme which appears to be not correct because no such document to show that NH has taken over the Road has been provided. Although they received amount from SECL despite that they did not took interest to construct road. Non Construction of road and lack in repair work is one of the reason for pollution caused by road transport even there is no surety that in near future the construction of road will be made by the department. In fact this is a case of deliberate disobedience of remedial

measures by the PWD, therefore for environment breach Depart.of PWD is also responsible and therefore cannot escape its liability to pay Penalty / Fine ..

If environmental Compensation is to be levied as per calculation below-

- Start date non- compliance- 07.09.2020
- Last date of compensation- 30.11.2021
- Number of days- 448
- Rate Rs. 30,000 per day
- EC comes to Rs- 1,34,40,000 (One Crore, thirty four lakhs, forty thousand)

But we are of the opinion that Penalty/ fine should be imposed , therefore after due consideration we assess/propose Penalty/Fine imposed on Principal Secretary PWD, State of CG Rs.1,00,00,000/- ( Rs. One Crore)

#### **4. Penalty/Fine on Principal Secretary, Health Department,CG Govt.**

**Committee constituted vide order dated 22-07-2019 after due consideration including field visit submitted its report and the recommendations made there in were considered by the NGT vide order dated 27-02-2020**

##### Short term measures

*g. Proper and free health care facilities with multispecialty treatment system may be provided in all coal mine-adjacent villages as per the recommendation of the committee report of 14-06-2019 in Dukalu Ram ( 4A 314/2014 CZ) case. (Action by respective coal mine companies).*

*Hon'ble the NGT in order dated 27-02-2020 in para 4 has mentioned that "We find that the recommendations are based on relevant studies and need to be considered by the power plants and mines in the area for protection of environment and public health and environmental rule of law. In para 5 have made reference to applicants contentions and passed order in para 6. In para 6 have ordered that **"Mitigation measures for***

**heath issues may be over seen by the Principal Secretary , Health, Govt. of Chhattisgarh. For this purpose , the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary , Health Govt. of Chhattisgarh will be at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds.”( NGT order dated 27-02-2020)**

**Further compliance review status as on 09-11-2020 has been filed and considered by Hon’ble NGT vide their order dated 20-11-2020.**

01. Short term measures

*g. Proper and free heath care facilities with multispecialty treatment system may be provided in all coal mine-adjacent villages as per the recommendation of the committee report of 14-06-2019 in Dukalu Ram ( OA 314/2014 CZ) case. (Action by respective coal mine companies)*

REVIEW STATUS AS ON 09-11-2020

*“Mitigation measures for heath issues may be over seen by the Principal Secretary, Health, Govt. of Chhattisgarh. For this purpose, the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary, Health Govt. of Chhattisgarh will be at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds.”*

02. Long Term Measures

*b ) To reduce the pollution and other impacts caused by road transport of coal and other minerals, direction may be issued that coal transport by road from coal mines or thermal power plants in these two blocks will be permitted only for 1 year, after which transport must done by rail or closed conveyor belt only.*

REVIEW STATUS AS ON 09-11-2020

*The Committee on field observation has made recommendation as below:-*

- 1.
2. RECOMMENDATIOINS

3. 1. *In order to ensure development of health facilities in the village of mining affected area, Principal Secretary, Health, Chhattisgarh Government may be advised to keep informing the oversight committee about development made in health facilities’.*

**Hon’ble NGT passed order that Principal Secretary Health and the PWD Department, Chhattisgarh Government may act as per recommendations of the committee. (NGT order dated 20-11-2020)**

**Further compliance review status as on 15-03-2021 has been filed and considered by Hon’ble NGT vide their order dated 24-06-2021.**

*01. Short term measures*

*g). Proper and free health care facilities with multispecialty treatment system may be provided in all coal mine-adjacent villages as per the recommendation of the committee report of 14-06-2019 in Dukalu Ram ( OA 314/2014 CZ) case. (Action by respective coal mine companies)*

*REVIEW STATUS AS ON 15-03-2021*

*“Mitigation measures for health issues may be over seen by the Principal Secretary, Health, Govt. of Chhattisgarh. For this purpose, the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary, Health Govt. of Chhattisgarh will be at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds. Collector Raigarh has assured to arrange the required medical facility in the area by way arranging n health screening camps in all villages within next few months.*

*RECOMMENDATIONS*

*3. In order to ensure development of health facilities in the villages of mining affected areas, Principal Secretary, Health Chhattisgarh Government may be advised to keep informing the Oversight Committee about development made in health facilities.*

*FIELD OBSERVATIONS AS NOTED IN PARA 5 OF THE ORDER*

DATED 24-06-2021.

4. *Public health facilities and disease screening – The committee has also discussed about requirement of health infrastructure and status of available facilities in Gharghoda and Tamnar area, Collector Raigarh has informed the committee that there are adequate facilities available at Tamnar CHC and at the Fortis – JPL multispeciality hospital at Tamnar. Collector Raigarh has also assured to organize “health Camps” within the next three months in all villages surrounding the mines areas in T & G blocks, and then ensure regular screening after that on a yearly basis.*

**Hon’ble the NGT in para 8 have observed that Steps need to be taken expeditiously for development of health facilities, constructing necessary road from Raigarh to Dharamjaygarh and from Punjipathra to Milupara,..... In para 9 directed that “The Oversight Committee may make assessment of compensation for the violation on the basis of which the statutory Board may take further action, following due process of law.”In para 10 passed order that “We regret to note failure of the concerned departments of the state of Chhattisgarh to respond the Committee and to perform their constitutional obligation to protect environment and public health. Pending taking coercive measures for such failure in due course , we direct the Chief Secretary, Chhattisgarh to ensure necessary action on the part of the concerned department, including PWD and Health on the subject of construction of road and providing Health care facilities and drinkingwater to the victims in the area. Any negligence by the State authorities may result in rendering the concerned senior officers personally accountable by way of prosecution under the provisions of the NGT Act, imprisonment under section 25 NGT Act read with section 51 CPC and exemplary costs out of their salaries”** H

Thrice Hon’ble NGT passed order and finally apprised them to wards penal consequences of disobedience but department took the said orders in a very casual manner and even gave a deaf ear to those orders.

Opportunity of hearing for consideration of environment Penalty/Fine has been provided to the department.

Intimation was sent to PS, Health, Govt. of Chhattisgarh to join the committee meeting on 16<sup>th</sup> September 2021 for hearing about progress/constraint observed in delivering the target defined in action plan submitted to Hon'ble NGT. PS Health Chhattisgarh Government could not ensure his presence in person/representative in the meeting.

The documents and information provided about infrastructure of health facilities reveals that health care facilities are insufficient and no serious efforts have been made to improve it even on the direction of Hon'ble NGT.

Hence the matter to be considered for imposition of environmental Penalty/Fine.

- The oversight committee in its report dated 14.10.2019 submitted to Hon'ble NGT had recommended proper and free health care facilities with multispecialty treatment system may be provided in all coal mine adjacent villages. In this context Hon'ble NGT has given the liberty to PS Health Government of Chhattisgarh to oversee the mitigation measures for health issues. For this purpose the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary Health, Govt. of Chhattisgarh is at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds.
- In its further order dated 20.11.2020 Hon'ble NGT has directed PS, Health Govt. of Chhattisgarh to keep informing the oversight committee about development made in health facility. In spite of the direction issued by Hon'ble NGT no progress was submitted PS, Health, Govt. of Chhattisgarh to the oversight committee.

- Hon'ble NGT in its order dated 27.02.2020 has directed that *mitigation measures for health issues may be overseen by the Principal Secretary, Health, Govt. of Chhattisgarh. For this purpose, the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary, Health, Govt. of Chhattisgarh will be at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds. A copy of this order be sent to the CPCB, Principal Secretary, Health, Govt. of Chhattisgarh, Ministry of Coal as well as the MoEF&CC by e-mail.*
  
- Hon'ble NGT in order dated 24.06.2021 on point number 10 mentioned that  
*“We regret to note failure of the concerned departments of the State of Chhattisgarh to respond to the Committee and to perform their Constitutional obligation to protect environment and public health. Pending taking coercive measures for such failures in due course, we direct the Chief Secretary, Chhattisgarh to ensure necessary action on the part of the concerned departments, including PWD and Health on the subject of construction of road and providing health care facilities and drinking water to the victims in the area. Any negligence by the State authorities may result in rendering the concerned senior officers personally accountable by way of prosecution under the provisions of the NGT Act, imprisonment under section 25 NGT Act read with section 51 CPC and exemplary costs out of their salaries. “*

Principal Secretary Health neither responded the above orders issued by Hon'ble NGT nor could do any work to protect environment and public health. He not only took all the orders passed by Hon'ble NGT in a very casual manner but also gave a deaf ear to those orders. His non involvement in taking remedial measures is one of the reason to increase public health hazard which arose due to air and water pollution. Neither he took part in environmental Penalty/Fine hearing although noticed nor could show any ground to exempt him from levying the Penalty / Fine.

If environmental Compensation is to be levied as per calculation below-

- Start date non- compliance- 27.02.2020
- Last date of compensation- 30.11.2021
- Number of days- 641
- Rate Rs. 30,000 per day
- EC comes to Rs. 1,92,30,000 (One Crore, ninety two lakhs, thirty thousand)

But we are of the opinion that Penalty/ fine should be imposed , therefore after due consideration we assess/propose Penalty / Fine imposed on Principal Secretary PWD, State of CG Rs.1,00,00,000/- ( Rs. One Crore)

## **5.Physical verification of progress as on 30.11.2021 and Environmental Compensation**

Visit of CSPGCL Coal Mines ( GarePelma Sector –III) - The field visit of oversight committee dated 17.03.2021 has observed dumping of OB on both sides of public road. In accordance with recommendation of the report mine site was visited on 24.08.2021 by Chairman and members of the new committee. During visit



it was found that OB dump on one side Pic-02 of the road was located at approximately 80m distance from road side but OB dump all along road was not within prescribed distance, even on many places it is adjacent to road. Dump process is still continuing .We saw a number of coal loaded trucks passing through this road and also this road is under use of the lessee. Villagers assembled there and applicant's representatives have stated there that because of dump and traffic in road this place has been declared as accidental zone and within a year around 10 persons have been killed in accident. Road condition is very bad.Although in one side Provision of check drains have been seen but appears to be not having width of adequate size, the sludge or waste materials along with water is passing through the agricultural fields and is terminating in nallah.( Subsequently we come to know that this is not a Nala but River)( ( O.B. Dump in CGSPGCL mine at Gare Palma sector 3 observed on field visit during 15-17 March 2021 on both sides of Public Road). This public road is within the mining area and as stated and shown by company officers present there as per mining plan road is to be diverted. For OB dump use of 25% of fly ash is compulsory but lessee did not complied the directions of notification 2009.Although in one side Provision of check

drains have been seen but in other side there appears no provision of check drains and garland drains have been made to ensure that the sludge or waste materials does not go into the nullah. (Subsequently we come to know that this is not a Nala but River).

For environmental compensation and for remedial measure CGSPGCL ,’was required to be heard on Maintenance of Public Road, on illegal OB dump , non use of fly ash , non construction of garland drains and proper settling tanks , Sludge and waste materials passing through agricultural field destroying crop production going to Nallah. (Subsequently we come to know that this is not a Nala but River) therefore the mine authorities were instructed to present in hearing meeting on 14<sup>th</sup> September 2021 at Bilaspur with approved mining plan/ copy of EC/ permission from DGMS and CTE / CTO issued by Chhattisgarh Environment Conservation Board, Raipur. **Environment compensation hearing dated 14<sup>th</sup> September 2021. Heard, Chhattisgarh State Power Generation Company Limited Coal Mines (Gare Pelma Sector –III) -**

The field visit of oversight committee dated 17.03.2021 has observed dumping of OB on both sides of public road. In accordance with recommendation of the report mine site was visited on 24.08.2021 by Chairman and members of the new committee. During visit it was found that OB Dump has been made on both sides of road even in some places adjacent to road. This public road is within the mining area and as stated and shown by companies officer present there, as per mining plan road is to be diverted. For OB dump use of 25% of fly ash is compulsory but lessee did not complied the directions of notification 2009. For Mining operation roads with the mines area is to be constructed by the lessee and lessee has to divert public roads, at his own cost to facilitate scientific mining. We saw a number of coal loaded trucks passing through this road and also this road is under use of the lessee. Condition of the road is bad. The mine authorities were present in hearing meeting with approved mining plan/ copy of EC/ permission from DGMS and CTE / CTO issued by

Chhattisgarh Environment Conservation Board, Raipur.

The representatives of CSPGCL presented the mining plan in which location of the OB dump is sited on the same place subject to diversion of PWD road passing between lease area. They stated that CSPGCL has deposited required amount with PWD, Raigarh for diversion of the road. There is no material to know whether PWD is diverting the road or not and if they intend to divert the road, by which time they may start and complete the diversion.. Hence storage of OB dump near to public road may create danger to public passing through the road. In this context committee was of the opinion that CSPGCL shall maintain minimum distance of 50 meters on both side the road and provide physical barrier all along the road in lease area to protect the public interest from accident as well as fugitive emission. CSPGCL shall also provide adequate garland drain along with OB dump with sufficient number of settling ponds. CSPGCL shall obtain necessary permission from DGMS and CECB and see that as per notification 2009 utilization of 25% of fly ash OB dump shall be followed.

The mine authorities has accepted the suggestion and assured for construction of physical barrier of steel sheet mounted on iron structure up to a height of minimum 3m at 50m distance from road on both side of road along full road length in leased area. The said construction has to be completed on or before 30<sup>th</sup> November 2021. The mine authority shall also maintain PWD road to a length falling in their mining lease area.

On verification visit dated 24-11-2021 we found that construction of physical barrier of steel sheet mounted on iron structure was in progress. Mines authorities present there stated the further minimum 15 days time may take to complete the work. They also apprised that CSPGCL obtained necessary permission from DGMS for compliance of notification 2009 utilization of 25% of fly ash.M/s CSPGCL vide

its letter dated 18.11.2021 requested to DGMS for obtaining permission to use fly ash in its OC mine Gare Pelma sector-III as per study report submitted by CIMFER. Director of Mine Safety, Raigarh vide its letter dated 23.11.2021 has restricted fly ash dumping in the opencast working till submission of clarification for factor of safety (FOS) and suitable geometry of inpit and external dump design by scientific agency.

**Violations of environmental conditions and directions as noted above brings the Chhattisgarh State Power Generation Company Limited Coal Mines (Gare Pelma Sector –III) under four corners for payment of Environmental compensation.**

The environmental compensation (EC) is based on the following formula-

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

Where,

EC= Environmental Compensation in Rs

PI= Pollution Index of Industrial Sector

N= Number of days of violation took place

R= A factor in Rs

S= Factor for scale of operation

LF= Location Factor

Note-

1. Average Pollution Index (PI) 80 has been taken considering Coal Mine & TPP in Red category of Industry
2. N, Number of days for which violation took place is period between the day violation observed and due date of compliance is taken as 30.11.2021 ( As the status report is up to 30.11.2021)
3. R, A factor in Rs is taken 250 only
4. S, Factor of scale of operation 1.5 as coal mines and TPP are large scale units.
5. LF, has been taken 1.0 for population less than one million

Environmental compensation is calculated as under-

- The CTO issued on 23.10.2020 has condition of fly ash utilization in stowing.

- Consent condition was amended on 22.06.2021 for utilization of fly ash in OB dump.
- Date of first observation of non-compliance- 17.03.2021
- Last date taken for assessment- 30.11.2021
- Number of days for non-compliance- 253 days

**EC in Rs. 75,90,000/- (Seventy five lakhs ninety thousand)**

**6. Visit of M/s Ambuja Cement Coal Mines ( GarePelma Sector- IV/8)-**

The field visit of oversight committee dated 17.03.2021 has observed dumping of OB on both sides of public road. In accordance with recommendation of the report mine site was visited on 24.08.2021 by Chairman and members of the new committee. During visit of the committee OB dumping was observed



on both side of the road (Pic-03). This public road is passing through the mines area and utilized by public, Mines operator and coal transporters. No garland drains with proper settling tanks have been constructed. 25% of fly ash as required in 2009 notification for OB dump has not been done. We saw a number of coal loaded trucks passing through this road, Road condition is very bad. Ambuja Cement Ltd to be heard on Maintenance of Public Road, on illegal OB dump, non use of fly ash, non construction of drains and proper settling tanks . The mine authorities were instructed to present in hearing meeting on 14<sup>th</sup> September 2021 at Bilaspur with approved mining plan/ copy of EC/ permission from DGMS and CTE / CTO issued by Chhattisgarh Environment Conservation Board, Raipur.

**Heard, M/s Ambuja Cement Limited Coal Mines (Gare Pelma Sector –IV/8) on Environment compensation on14<sup>th</sup> September 2021**

The field visit of oversight committee dated 17.03.2021 has

observed dumping of OB on both sides of public road. In accordance with recommendation of the report mine site was visited on 24.08.2021 by Chairman and members of the new committee. During visit it was found that OB dump was located very near to road side which was creating danger to public and transport moving on road. The mine authorities were present in hearing meeting on 14<sup>th</sup> September 2021 at Bilaspur with approved mining plan/ copy of EC/ permission from DGMS and CTE / CTO issued by Chhattisgarh Environment Conservation Board, Raipur.

The representatives of M/s Ambuja Cement Limited presented the mining plan in which location of the OB dump is sited at distance of minimum 45m from road side subject to diversion of PWD road passing between lease area. Officials of M/s Ambuja Cement Limited stated that they have deposited required amount with PWD, Raigarh for diversion of the road but there is no material to know whether PWD is diverting the road or not and if they intend to divert the road , by which time they may start and complete the diversion . Hence storage of OB dump near to public road may create danger to public passing through the road. In this context committee was in opinion that M/s Ambuja Cement Limited shall maintain minimum distance of 50 meters on both side the road and provide physical barrier all along the road in lease area to protect the public interest from accident as well as fugitive emission. M/s Ambuja Cement Limited shall also provide adequate garland drain along with OB dump with sufficient number of settling ponds. M/s Ambuja Cement Limited shall obtain necessary permission from DGMS and CECB and see that as per notification 2009 utilization of 25% of fly ash in OB dump shall be followed.

The mine authorities has accepted the suggestion and assured for construction of physical barrier of steel sheet mounted on iron structure up to a height of minimum 3m at 50m distance form road on both side of road along full road length in leased area. The said

construction has to be completed on or before 30<sup>th</sup> November 2021. The mine authority shall also maintain PWD road to a length falling in their mining lease area.

**On verification visit dated 24-11-2021 we found that construction of physical barrier of steel sheet mounted on iron structure was in progress. Mines authorities present there stated that further minimum 15 days time may take to complete the work. They also apprised that they could not obtain necessary permission from DGMS for compliance of notification 2009 utilization of 25% of fly ash.**

**Violations of environmental conditions and directions as noted above brings the M/s Ambuja Cement Limited Coal Mines (Gare Pelma Sector –IV/8) under four corners for payment of Environmental compensation.**

The environmental compensation (EC) is based on the following formula-

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

Where,

EC= Environmental Compensation in Rs

PI= Pollution Index of Industrial Sector

N= Number of days of violation took place

R= A factor in Rs

S= Factor for scale of operation

LF= Location Factor

Note-

1. Average Pollution Index (PI) 80 has been taken considering Coal Mine & TPP in Red category of Industry
2. N, Number of days for which violation took place is period between the day violation observed and due date of compliance is taken as 30.11.2021 ( As the status report is up to 30.11.2021)
3. R, A factor in Rs is taken 250 only
4. S, Factor of scale of operation 1.5 as coal mines and TPP are large scale units.
5. LF, has been taken 1.0 for population less than one million

Environmental compensation is calculated as under-

- 
- The CTO issued on 23.10.2020 has condition of fly ash utilization in OB dump and stowing.
- Date of first observation of non-compliance- 17.03.2021
- Last date taken for assessment- 30.11.2021
- Number of days for non-compliance- 253 days

EC in Rs. 75,90,000/- (Seventy five lakhs ninety thousand)(30,000x253)

**EC in Rs. 75,90,000/- (Seventy five lakhs ninety thousand)**

**7. M/s Hindalco Industries Limited – COAL MINES ( Gare Pelma IV/4 & 5)**

The committee has also visited the site of M/s Hindalco Industries Limited coal mine on 24<sup>th</sup> November 2021 and found that the mine is divided in two parts. In both parts mines operation is continuing. Back filling was also being done without utilizing fly ash. OB Dump has also been created without utilizing fly ash. Green belt has not been developed, however in OB dump they have planted some ornamental plant like GUL MOHAR, some fruit plant like mango, Guava etc. these plants are very small and their survival is under question. Trees to be planted in green belt or otherwise in mines area are not planted. We could not find garland drain along OB dump and settling ponds. From officials present we could come to know that coal extracted from here is supplied to their captive power plant situated in ORISSA. When they have their own power plant, they are also producing fly ash but are not utilizing their fly ash here in their mines in back filing or in



OB dump even they did not tell how they are disposing their own fly ash. M/s Hindalco Industries Limited – COAL MINES (Gare Pelma IV/4 & 5) has been directed to be present to defend their liability to pay environmental compensation in environmental compensation hearing on 25.11.2021 at Bilaspur with all relevant documents.

**Heard M/s Hindalco Industries Limited – COAL MINES (Gare Pelma IV/4 & 5) on 25-11-2021 on assessment of environmental compensation.**

Representatives from M/s Hindalco Industries Limited – COAL MINES ( Gare Pelma IV/4 & 5) appeared and contended that they have on mobile connectivity contacted DGM for permission and guidance for utilization of fly ash ,who gave a date for their inspection. They stated that after getting permission from DGM they may take steps to utilize Fly ash in back filling and OB Dump.

The mines is found divided in two parts . In both parts mines operation was continuing. Back filling was also being done without utilizing fly ash. OB Dump has also been created without utilizing fly ash. Green belt has not been developed, however in OB dump they have planted some ornamental plant like GULMOHAR, some fruit plant like mango etc. these plants are very small and their survival is under question. We could not find garland drain along OB dump and settling ponds. From officials present we could come to know that coal extracted from here is supplied to their captive power plant situated in ORRISSA . When they have their own power plant, they are also producing fly ash but are not utilizing their fly ash here in their mines in back filing or in OB dump even they did not tell how they are disposing their own fly ash.

M/s Hindalco Industries Limited was to provide adequate garland drain along with OB dump with sufficient number of settling ponds to ensure suspended solid free discharge of storm water in rainy season. Hindalco Industries Limited was to comply with the provisions of notification 2009 for utilization of 25% of fly ash in OB and back

filling. They were also required to develop proper Green Belt.

In view of the above non-compliance Environmental compensation is calculated as under-

The environmental compensation (EC) is based on the following formula-

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

Where,

EC= Environmental Compensation in Rs

PI= Pollution Index of Industrial Sector

N= Number of days of violation took place

R= A factor in Rs

S= Factor for scale of operation

LF= Location Factor

Note-

1. Average Pollution Index (PI) 80 has been taken considering Coal Mine & TPP in Red category of Industry
2. N, Number of days for which violation took place is period between the day violation observed and due date of compliance is taken as 30.11.2021 ( As the status report is up to 30.11.2021)
3. R, A factor in Rs is taken 250 only
4. S, Factor of scale of operation 1.5 as coal mines and TPP are large units. scale
5. LF, has been taken 1.0 for population less than one million

- The CTO issued on 02.01.2020 has condition of fly ash utilization in OB dump and stowing.
- Date of first observation of non-compliance- 02.01.2020
- Last date taken for assessment- 30.11.2021
- Number of days for non-compliance- 698 days

EC in Rs. 2,09,40,000/- (Two Crore, nine lakhs forty thousand) ( 30,000/-x698)

8. **Visit of Gare Palma IV/01 OC Mines- The captive power plant of M/s Jindal Steel & Power Limited**, Dongramau has permission for disposal of its fly ash in Gare Palma IV/01 open cast mines. During visit of the committee on 24<sup>th</sup> August 2021 it was observed that fly ash mixed with OB being disposed near Nalah passing in mining lease area. (PIC- 07) The distance between disposal site and Nalah seems to be less than 500m and during rainy season fly ash may take a way to River kelo through Nalah. The issue has been considered as negligence in selection of site and M/s JSPL has been directed to be present in environmental compensation hearing meeting on 15.09.2021 at Bilaspur with all documents EC, Consent and quantity of fly ash disposed and remediation proposal if any.



On environmental compensation hearing representative from JSPL were present who have been heard and findings recorded that captive power plant of M/s Jindal Steel & Power Limited, Dongramau has permission for disposal of its fly ash in Gare Palma IV/01 open cast mines. During visit of the committee on 24<sup>th</sup> August 2021 it was observed that fly ash mixed with OB being disposed near drain/ Nala (a watercourse) passing in mining lease area. The distance between disposal site and drain seems to be less than 500m and during rainy season fly ash may take a way to River Kelo through drain/ Nala ( a watercourse). The issue has been considered as negligence in selection of site and M/s JSPL has been directed to shift the same on or before 30.11.2021.

On verification on 24-11-2021 we found that fly ash mixed with OB being disposed near drain/ Nala (a watercourse) passing in mining lease area has been removed. M/s JSPL vide its letter dated 28.10.2021 addressed to Regional Officer, Chhattisgarh Environment Conservation Board, Raigarh



has informed about removal of OB on 24.10.2021. The committee has also visited the site on 24<sup>th</sup> November 2021 and found that all OB dump was removed from the site. In view of noncompliance from 24<sup>th</sup> August 2021 to 24<sup>th</sup> October 2021 (62 days) EC may be imposed. In view of the above non-compliance Environmental compensation is calculated as under-

The environmental compensation (EC) is based on the following formula-

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

Where,

EC= Environmental Compensation in Rs

PI= Pollution Index of Industrial Sector

N= Number of days of violation took place

R= A factor in Rs

S= Factor for scale of operation

LF= Location Factor

Note-

1. Average Pollution Index (PI) 80 has been taken considering Coal Mine & TPP in Red category of Industry
2. N, Number of days for which violation took place is period between the day violation observed and due date of compliance is taken as 30.11.2021 ( As the status report is up to 30.11.2021)
3. R, A factor in Rs is taken 250 only
4. S, Factor of scale of operation 1.5 as coal mines and TPP are large units. scale
5. LF, has been taken 1.0 for population less than one million

Date of observation of noncompliance- 15.09.2021

Date of observation of compliance – 24.10.2021

Hence EC (in Rs) = 30,000 X 39 = 11,70,000/- (Eleven Lakhs seventy thousand Only)

#### 9. **M/s Jindal Power Limited, Tamnar, Raigarh-**

It was reported in over sight committee visit on 17.03.2021 about leakage of fly ash slurry from ash dyke of M/s Jindal Power Limited. The committee had suggested M/s JPL to conduct study through a research organization of national repute to determine the stability of the existing ash dyke and take measures required to strengthen as needed. In order to take the status, the oversight committee once again visited the site on 24<sup>th</sup> August 2021. Although spot shown by the officials of the JPL we could not observe leakage on that area from the dyke but we are not sure about other part of the dyke. The committee has discussed in details about process adopted for repair of the leakage and directed M/s JPL to submit the authentic report about strength of repairing undertaken and the stability report of the existing ash dyke from research organization of national repute on or before 30-11-2021.

JPL after complying the direction have submitted stability report conducted by NIT Raipur but did not file any documents to show details about process adopted for repair of the leakage or to establish repair conducted by competent person/ authority therefore is liable for Environmental compensation from 17-03-2021 to 24-08-2021

In view of the above non-compliance Environmental compensation is calculated as under-

The environmental compensation (EC) is based on the following formula-

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

Where,

EC= Environmental Compensation in Rs

PI= Pollution Index of Industrial Sector

N= Number of days of violation took place

R= A factor in Rs

S= Factor for scale of operation

LF= Location Factor

Note-

1. Average Pollution Index (PI) 80 has been taken considering Coal Mine & TPP in Red category of Industry
2. N, Number of days for which violation took place is period between the day violation observed and due date of compliance is taken as 30.11.2021 ( As the status report is up to 30.11.2021)
3. R, A factor in Rs is taken 250 only
4. S, Factor of scale of operation 1.5 as coal mines and TPP are large units. scale
5. LF, has been taken 1.0 for population less than one million

- The Environmental condition has been violated from 17-03-2021
- Date of first observation of non-compliance- 17-03-2021
- Date of compliance taken for assessment-24-08-.2021
- Number of days for non-compliance- -161days
- Determination of Environmental Compensation ( EC)
- Hence EC (in Rs) = 30,000 X161 = 48, 30,000/- ( Forty Eight Lakhs Thirty thousand Only)
- 

#### **10. Calculation of property damage on application submitted by villagers in favour of the applicant against TPPs**

Applications were against TRN Energy Pvt.Ltd.and against M.s Mahaveer Energy& Coal Benification Ltd. Although copyof the application are been served on these TPPs but they did not file any reply.

For hearing against these applications, both the parties remained absent. For verification services of concerned Patwari have been taken. As per information provided by the Patwari only 4 persons were found entitled therefore for those persons compensation has been calculated and remaining applications have been rejected.

Calculation of property/ crop damage was done on the basis of area and tentative loss to crop and rate per Quintal

As per report of the area Patwari Govt. has fixed per hector crop 37 quintal and price including bonus Rs.2500/- per quintal of paddy.

The damage claims submitted by the affected villagers and farmers were scrutinized by officials of land revenue departments. They have given the affected area of claimant. Environmental compensation in the shape of damage has been calculated as below damage claim submitted by villager details of affected land is as under-

| S.No.               | Name & address of claimant                                       | Affected khasra No | Affected area Hectare | Amount in Rs                                                                                                 |
|---------------------|------------------------------------------------------------------|--------------------|-----------------------|--------------------------------------------------------------------------------------------------------------|
| 01                  | Sh. Ghuraoram Rathia<br>Nawapara                                 | 381/01             | 0.076                 | 7030                                                                                                         |
| 02                  | Sh. Harcharan Rathia &<br><br>Sh. Malik Ram Rathia<br>Kantagdeeh | 09/01<br><br>09/02 | 4.411<br><br>1.895    | 408017.5<br>allowe only<br>Rs.1,11,000/-<br>as claimed<br>175287.5<br>allowed<br>Rs.1,11,000/-<br>as claimed |
| 03                  | Sh. Karam Singh Rathia                                           | 401/01             | 0.101                 | 9342.5                                                                                                       |
| Total Affected area |                                                                  |                    | 6.483                 | 599677.5                                                                                                     |

- 
- Note- Damage calculated based on productions of 37 quintals per hectare considering rate of crop @ Rs. 2500

per quintal.

- The committee has decided that as environmental compensation /damage claim will be paid by M/s TRN Energy Private Limited to the affected villagers/ farmers as per above list accordingly.

### **At a glance**

Environmental Compensation/ Penalty/Fine have been calculated for non-complying industries and departments. The details are as under-

| Sl. No | Name of the industry / department                                       | EC/Penalty/Fine amount in Rs |
|--------|-------------------------------------------------------------------------|------------------------------|
| 01     | Principal Secretary, Public Works Department<br>Chhattisgarh Government | 1,00,00,000/-                |
| 02     | Principal Secretary, State Health Department<br>Chhattisgarh Government | 1,00,00,000/-                |
| 03     | M/s TRN Energy Private Limited, Nawapara<br>Raigarh                     | 1,82,40,600/-                |
| 04     | M/s Mahavir Energy and coal beneficiation<br>Limited                    | 1,42,90,000/-                |
| 05     | M/s Hindalco Industries Limited Coal Mine                               | 2,09,40,000/-                |
| 06     | M/s Ambuja Cement Limited Coal Mine (GP<br>IV/8)                        | 75,90,000/-                  |
| 07     | M/s Jindal Steel & Power Limited, Dongramau,<br>Tamnar                  | 11,70,000/-                  |
| 08     | M/s Chhattisgarh State Power Generation<br>Company Limited              | 75,90,000/-                  |

|     |                              |             |
|-----|------------------------------|-------------|
| 09. | M/s Jindal Power Ltd, Tamnar | 48,30,000/- |
|-----|------------------------------|-------------|

Environmental Compensation against TRN Energy PVT. LTD. have been calculated for damage to property of individuals. The details are as under-

| S.No.               | Name & address of claimant                                          | Affected khasra No | Affected area Hectare | Amount in Rs                                                                                      |
|---------------------|---------------------------------------------------------------------|--------------------|-----------------------|---------------------------------------------------------------------------------------------------|
| 01                  | Sh. Ghurauram Rathia<br>Nawapara                                    | 381/01             | 0.076                 | 7030                                                                                              |
| 02                  | Sh. Harcharan Rathia<br>&<br><br>Sh. Malik Ram Rathia<br>Kantagdeeh | 09/01<br><br>09/02 | 4.411<br><br>1.895    | 408017.5 allowed only<br>Rs.1,11,000/- as claimed<br>175287.5 allowed<br>Rs.1,11,000/- as claimed |
| 03                  | Sh. Karam Singh<br>Rathia                                           | 401/01             | 0.101                 | 9342.5                                                                                            |
| Total Affected area |                                                                     |                    | 6.483                 | 599677.5                                                                                          |

**Minutes of meeting dated 26 & 27 October 2021 is Exhibit 4 and dated 24 & 25 November is Exhibit 5 As per minutes of 5<sup>th</sup> meeting dated 24 & 25 Nov. 2021**

8. Shri Sharachchandra Lele, One of the member has vide postal communication dated 04-Aug.2021 raised two points for consideration but after first meeting did not turn up to prosecute these points therefore in his absence we are constrained to take those points for considerations.
  
9. Shri (Dr.) Sharachchandra Lele's contention in brief is that "their recommendation regarding is continuing no further disposal of fly ash in low lying area has been accepted by Hon'ble NGT in order dated 27-02-2020 but it appears that dumping is continuing and Hon'ble NGT's order dated 27-11-2020 inadvertently introduced some confusion by saying that "the applicant has given suggestion to the effect that fly ash dumping in low- lying area should be ensured. Hon'ble NGT in its order dated 27-02-2020 has considered the recommendations. In para 4 has mentioned that "We find that the recommendations are based on relevant studies and need to be considered by the power plants and mines in the area for protection of environment and public health and environmental rule of law. In para 5 have made reference to applicants contentions and passed order in para 6. So far as Order dated 20-11-2020 passed by Hon'ble NGT is concerned Hon'ble NGT in para 6 stated that "Further the applicant has given suggestions by way of written submissions filed on 18-11-2020, inter alia to the effect that contaminated sites be seen, fly ash dumping in low – lying areas be ensured and such dumping should not be in unscientific manner. The legacy fly ash dumps may be remediated. Hon'ble NGT after quoting submissions of the applicants have ordered that "The above suggestions may be duly considered by the concerned authorities and the committee which may be co-ordinated by CPCB. In view of the above we did not find any substance to revise our recommendation again.
  
10. Another grievance raised by Shri (Dr.) Sharachchandra Lele's is that there was no discussion about the content of the new ToR during the March field visit or meeting in collector's office nor any discussions regarding to whom to invite for the study The 30<sup>th</sup> March letter to NEERI was issued without any decision to that effect having been taken

by the committee. His further grievance is that NEERI is also represented on the Oversight Committee therefor there is an apparent conflict of interest in the Oversight Committee commissioning NEERI to carry out the study. After study when report is to be vetted again conflict of interest will take place. Further contentions is that the ToR sent to NEERI has not been framed by the Committee to cover clear picture of carrying capacity.

11. Shri ( Dr.) Sharachchandra Lele , PhD himself has recognized National Environmental Engineering Research Institute an excellent nationally recognized research organization in this field. Recommendations made by the Committee from time to time and concurrence given to the same by Hon'ble NGT from time to time , does not require to made any further recommendation contrary to earlier given.

12. **EXECUTION APPLICATION FILED BY APPLICANTS BEFORE HON'BLE NGT NO.11 OF 2021.** Shivpal Bhagat Applicant No. 1 in OA No. 104/2018 has filed application seeking compliance and execution of order dated 27-02-2020 passed by Hon'ble NGT. On 20-10-2021 only one E-mail received having 2 letters. In one E-Mail learned counsel for the applicant has disclosed that "Albeit filed, EA 11/2021 was not on board on the said date. However, during the hearing, an oral submission on behalf of the applicant had been made with regard to submitting the attached application for considering by Ld.Committee.In furtherance to the submission, please find below the application that has been so filed. We bring to your kind attention that the same had been forwarded on an earlier occasion as well. It is requested that the submission of the applicant be also considered by the Committee while formulating a report as per the orders of the Hon'ble NGT." In another letter they have written that "we had filed the above mentioned Execution application before the Hon'ble Tribunal seeking compliance and execution of order dated 27-02-2020 passed by Hon'ble Tribunal in Original application. The contents of the Execution application were

brought to the notice of the Hon'ble Tribunal and it was opined by the hon'ble Tribunal that since the committee has taken cognizance of the matter, it would be appropriate that the issue raised in the Execution Application be considered by the committee. In light of the above, you are requested to consider the Execution Application attached herein below as representation on behalf of Applicant No. 1.

13. This execution application is pending before Hon'ble the NGT for determination, consideration and decision. There is no order from the Hon'ble NGT, to consider this execution application as representation of applicant no. 1 and to consider while formulating a report. The matter is sub judice therefore we do not find it appropriate to consider while formulating our report. In view of the above, the prayer made by the applicant to consider this execution application as representation of applicant no. 1 and to consider while formulating a report stands disposed of.

### **FINAL COMPLIANCE REVIEW STATUS AS ON 30-11-2021**

#### 1. Short-term measures

1.1 Requiring all coal mines in Raigarh district to accept fly ash for disposal through OB dump and back-filling.

As per compliance report submitted on 07.04.2021 and accepted by Hon'ble NGT in its order dated 24.06.2021 Two SECL mines (IV/2,3) and one JPL mine (IV/1) only are accepting fly ash for disposal in OB dump. Other coal mines in Tamnar and Gharghoda area are not accepting fly ash for disposal in OB dump.

**Although Environmental compensation has been assessed but for future they are not exonerated and shall be liable to assessment of Environment Compensation and other legal actions.**

CEA vide its letter dated 14.02.2020 has informed about declaration of abandoned mines on recommendation of task force. The list includes 24 abandoned OC mines of Chhattisgarh to be used for filling of fly ash generated from TPP. The committee has suggested to Chairman, Chhattisgarh Environment Conservation Board for constitution of State Level Committee to decide the mode and quantity of fly ash to be disposed in working/ abandoned mines/quarries in the State. The same committee may also look after the fly ash disposal issues in Raigarh also on priority.

Oversight committee in its meeting dated 27.11.2020 has decided to write Chairman, CECB for constitution of State level Committee for permitting about utilization of fly ash for reclamation of low lying areas and in stowing of abandoned mines/quarries only after ensuring the implementation of guidelines prepared by CPCB as per MoEF&CC notification No.SO 763(E) dated 14-09-1999. The decision was taken for giving effect to observations made by Hon'ble NGT in para 6 of their order 20.11.2020.

*“Further, the applicant has given suggestions by way of written submission filed on 18.11.2020, inter-alia to the effect **that contaminated sites be seen, fly ash dumping in low-lying areas be ensured and such dumping should not be in unscientific manner. The legacy fly ash dumps be remediated. Air and land pollution due to fire in the coal mines be remedied. Coal transportation by trucks must be done on scientific basis 13 and transportation by conveyor belts be preferred. Road maintenance be improved. Continuous Ambient Air Quality Monitoring Station (CAAQMS) be installed. Steps be taken for recharge of the ground water. Water supply to the concerned villages be provided by pipes.**”*

In this context Nodal Officer of the oversight committee has written a letter to Chairman, CECB on 26.02.2021(RD/BPL/NGT OA-104/2018/202) for constitution of State level committee for utilization of

fly ash for reclamation of low lying area, and in stowing of abandoned mines/quarries.

In this context, Member Secretary, CGEnvironment Conservation Board, Raipur, apprised us that State level committee has been constituted a long back and now has been reconstituted on 24.01.2019. This reconstituted committee is termed as monitoring committee constituted by Chhattisgarh Government to monitor the utilization of Fly ash in accordance to MoEF&CC notification SO 2804 (E) dated 03.11.2009. This committee is also responsible to ensure implementation of clauses 7, 8(i) & 8 (ii) of MoEF&CC notification SO 2804 (E) dated 03.11.2009 which reads as:-

*“(7) No agency, person or organization shall within a radius of hundred kilometers of a coal or lignite based thermal power plant under take or approve or allow reclamation and compaction of low-lying areas with soil; only fly ash shall be used for compaction and reclamation and they shall also ensure that such reclamation and compaction is done in accordance with the specifications and guidelines laid down by the authorities mentioned in sub-paragraph (1) of paragraph 3.*

*(8)(i) No person or agency shall within fifty kilometers (by road) from coal or lignite based thermal power plants, undertake or approve stowing of mine without using at least 25% of fly ash on weight to weight basis, of die total stowing materials used and this shall be done under the guidance of the Director General of Mines Safety (DGMS);*

*Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in subparagraph (10) for this purpose.*

*(ii) No person or agency shall within fifty kilometers (by road) from coal of lignite based thermal power plants, undertake or approve without using at least 25% of fly ash on volume to volume basis of the total materials used for external dump of overburden and same percentage in upper benches of back filling of opencast mines and this shall be done under die guidance of the Director General of Mines Safety (DGMS);*

*Provided that such thermal power stations shall facilitate die availability of required quality and quantity of fly ash as may be decided by the expert committee referred in subparagraph (10) for this purpose.”*

When there is already one statutory committee for monitoring and facilitating implementation of notification at the respective State Government level, there appears no need for constitution of another committee for the same work in the same field,

*CECB vide its letter number 318 dated 10.05.2021 has made allotment of fly ash disposal in void of Domnara OC mine (Abandoned) of Raigarh but no progress observed on ground, Only one abandoned mine is there for filling of fly ash but the same has been allotted to five companies situated in different area and with different quantities. This allotment has been done in complete violation of "GUIDELINES OF CIL OFFERING MINES VOIDS FOR FLY ASH DISPOSAL The guidelines is a complete code and following that only mines was required to be allotted and compliance should have been made. CECB should have asked Coal India Ltd to follow their own guidelines from inception of allotment of Mine void till disposal of fly ash and after closure of the site till reclamation.*

- 1.2 **Given the seriousness of improper fly ash dumping in low lying areas, and the practical difficulty in rigorously monitoring the implementation of the recent SOP in the field, no further disposal of fly ash in low-lying areas by TPP/CPP companies to be permitted and all Gram Panchayats in Raigarh district to be directed to stop issuing NOCs for the same.**

District collector, Raigarh has issued letter to concern departments for directing all gram panchayats for not issuing any NOC to use low lying area for disposal of Fly ash. During visit committee has observed restriction on fly ash disposal in low lying areas particularly in agricultural fields of the villages.

Hon'ble NGT in its order dated 20.11.2020 directed that contaminated sites be seen, fly ash dumping in low-lying areas be ensured and such dumping



should not be in unscientific manner. The legacy fly ash dumps be remediated. In this context Nodal Officer of the oversight committee has written a letter to Chairman, CECB on 26.02.2021 (RD/BPL/NGT OA-104/2018/202) for constitution of State level committee for utilization of fly ash for reclamation of low lying area, and in stowing of abandoned mines/quarries.

The committee has also directed Regional officer CECB for providing list of locations where fly ash have been disposed unscientifically and creating threat to environment and agricultural fields. In accordance with list provided by CECB, committee has visited Gharghoda area on 25.08.2021.



Unscientific disposal of fly ash in low lying areas of Gharghoda is one the major issues taken in the case. The committee has visited few sites of fly ash dumping where proper strengthening and compaction of fly ash has not been ensured by M/s TRN Energy Pvt Limited resulting flow of fly ash in to adjoining fields and drains leading to River. The location of fly ash dumping exits in village Bhengari, Nawapara, Tenda and Kantagdeeh. The committee has visited newly constructed ash dyke near the power plant in Nawapara and observed flow of water along with side of ash dyke leading in the fields of farmers. The committee has also witnessed the breaching and damage, then accordingly instructed the villagers & farmers to submit damage claim application in the office of Regional Officer, Chhattisgarh Environment Conservation Board, Raigarh. The format of application for submitting damage claim has also been provided to villagers/farmers with request to be present during hearing at Bilaspur.

M/s TRN Energy Private Limited (2x300MW) thermal power plant is located in village Bhengari, Nawapara (Tenda), Gharghoda, Raigarh. The plant started its commercial production in 2016 with an average generation of fly ash 4000 MT per day. The thermal power has generated approximately 2879126 MT fly ash during January 2016 to March 2021, out of which 58% (16,65,007 MT) has been disposed in low lying area of village Chote Gumda, Bade Gumda, Nawapara, Tenda and Baansmuda. As per detail submitted by the TPP the area used for disposal of fly ash is approximately 17.378 Hectare.

TRN power has created an ash dump as non-compliance of EC conditions outside its ash dyke in the village Nawapara Tenda. There are physical evidences for breaching of mud wall leading to fly ash flowing into adjoining field even situation to fly ash in to neighboring habitants.

On field visit on 24-25.08.2021 we have seen that by the side of State Highway unscientific fly ash dump has been found, also adjoining fields have been covered under fly ash dump causing utility loss of those fields. Erosion of the land due to fly ash is clear. Another fly ash dump adjoining to Forest and nalah in personal land of some villager have been seen, due to cracks and land break /erosion from various points water along with fly ash flowing from there is clear the dump is not in low lying area but is on plane ground by the sides of Bargad tree. No guide lines as prescribed since 1999 have been followed. On earlier visit in March 2021 committee found that TRN power has created an ash dump outside its ash dyke in the village Nawapara Tenda. The top of Dump was at least 10 feet above the ground level. It was also observed that because of breaking of mud wall fly ash was flowing into adjoining field. To prevent the same no remedial measures has been taken by the PP. On road side flow we could see the flowing of fly ash in heavy

quantity. A pretty big area has been covered under flowing of fly ash from this Dump.

Representative from TRN admits all these OB dumps and contended that after obtaining the permission from land owner and Gram Panchayat , Fly ash dump have been made . Although they brought some papers and made attempt to show that they have not violated the Environmental conditions. but could not produce permission / consent of State Pollution Control Board. The thermal power plant has also submitted copy of study report conducted in 2018 by ISM Dhanbad which recommends about no metal contamination in ground water due to leaching from fly ash disposed in low lying area.

Ministry of Environment and Forests Notification No. S.O. 763 (E) dated 14th September 1999 only permits for reclamation and compaction of fly ash in low lying area in accordance with specifications and guidelines laid down by the authorities as mentioned in clause 3 of that notification. None of the notifications or guidelines give liberty to loose disposal of fly ash that's too above ground level.

The committee has also visited the Sites of Ash Disposal by M/s Mahaveer Energy & Coal Benefication Limited, Bio-mass based 12 MW power plant located in village Bhengari. The industry generates fly ash by burning of rice husk with coal and use to dump it unscientifically at two locations in village Bhengari. The committee has visited dumping sites on 25<sup>th</sup> August 2021 and found fly ash dumping in Bhengari village and also in the plant premises. The unscientific disposal of fly ash leads air borne during summer season and washed out during rainy season leading towards surface water body.



Although Environmental compensation has assessed but that will not exonerate these companies from their illegal activities. We relying on judgment rendered by Hon'ble the **SUPREME COURT OF INDIA in the matter** NIDHI KAIM Vs.STATE OF MADHYA PRADESH, Civil Appeal No. 1727 of 2016, Decided on : 13-02-2017 in which Hon'ble SC has observed that :-

**“There is a saying – when wealth is lost, nothing is lost; when health is lost, something is lost; but when character is lost, everything is lost. This is attributed to Billy Graham, an American clergyman, born on 7.1.1918. One cannot be certain, about the above attribution, because the same lesson has been taught in India, since time immemorial, by parents and teachers. The issue in hand, has an infinitely vast dimension. If we were to keep in mind immediate social or societal gains, the perspective of consideration would be different. The submission canvassed, needs to be considered in the proper perspective. We shall venture to derive home the point by an illustration. We may well not have won our freedom, if freedom fighters had not languished in jails ... and if valuable lives had not been sacrificed. Depending on the situation, even civil liberty or life itself, may be too trivial a sacrifice, when national interest is involved. It all depends on the desired goal. The preamble of the Indian Constitution rests on the foundation of governance, on the touchstone of justice. The basic fundamental right, of equality before law and equal protection of the laws, is extended to citizens and non-citizens alike, through Article 14 of the Constitution, on the fountainhead of fairness. The actions of the appellants, are founded on unacceptable behavior, and in complete breach of the rule of law. Their actions, constitute acts of deceit, invading into a righteous social order. National character, in our considered view, cannot be sacrificed for**

benefits – individual or societal. If, we desire to build a nation, on the touchstone of ethics and character, and if our determined goal is to build a nation where only the rule of law prevails, then we cannot accept the claim of the appellants, for the suggested societal gains. Viewed in the aforesaid perspective, we have no difficulty whatsoever, in concluding, in favour of the rule of law.”

We recommend that M/s TRN Energy Private Limited and M/s Mahaveer Energy & Coal Benefication Limited shall remove the fly ash dump as seen by the committee during their field visit within 4 months else those dumps shall be removed on the cost of those companies ,by State PCB and removed material shall be given to the concerned company for proper disposal as per law.

- 1.3. **Requiring that whatever coal is being supplied to JPL and JSPL from Gare Palma IV/2&3 should be transported through the already existing closed conveyor belts and no such coal transport should be allowed via trucks.**

Representative from JPL present in stake holders meeting has informed that 44,25,66 MT coal was transported in 2019-2020 & 40,24,274 in 2020-2021 through conveyor belt to JPL. The quantity provided is about 70 % of total coal mined from GPIV/2&3, however coal quantity received for GP IV/2&3 is only satisfies its 25% requirement. Rest of the requirement is met from other coal mines of Chhattisgarh and Orissa. State PCB shall verify correctness of the declaration by examining companies coal transportation records.

- 1.4 **Establishment of monitoring cell by PHED to monitor water quality being used by the residents of villages and provide pretreatment facility**

and removal of geogenic contaminants and anthropogenic contaminants before its use as drinking water. Specifically the quality of water treatment in the mine-supported water supply system in village Kondkhel needs to be ensured by PHED as per drinking water norms. PHED should do the analysis (major cations/anions/trace elements) of the inlet and outlet sample of the Defluoridation plant installed in the region.

PHED Raigarh has informed that water testing laboratories are functional at Gharghoda and Raigarh for testing of drinking water quality of the area. Moreover 12 hand pumps, 02 Power pumps and 01 tap water supply have been provided in Kondkel area. The residents of the village has informed about frequent lowering of ground water table due to UG mining activity. Representative of the PHED was also in concurrence with the observation of the villagers. In order to ensure regular and good water quality to villagers the committee has directed M/s Hindalco to provide tape water in village and ensure quality of water in coordination with PHED Raigarh.

In order to ensure and verify the adequate quality of drinking water supply in Village Kondkhel, the committee has also visited Kondkhel village on 24.08.2021 along with applicant, representative of PHED and M/s Hindalco Limited. In the visit, water availability in hand pump as well as



taped water supply was found in order.. More over National Environmental Engineering Research Institute (NEERI) Nagpur set up network of observation wells in

Kondkhel village during 01-02 August 2021. These observation wells network consisting of India Mark II hand pump that are used to measure the ground water level. The ground water level from observation wells network was obtained using Electric Contact Gauze. The ground water level is obtained with respect to below ground level (BGL). The ground water extraction though hand pumps is used for domestic purposes only. The depths to ground water level (BGL-m) in the different observation wells varied between 5.24 m to 14.81 m during first week of August 2021.

**Installation of Piezometers and monitoring:** All the Coal Mine operators in the region need to install the Piezo meters as per the EC conditions. The installation need to be based on scientific lines and should take into account the depth up to which the mining is envisaged. Monthly monitoring of ground water level should be done by the mine operators.

- 1.5 **Installation of adequate number of CCTV and CAAQM stations in coal mining area. Proper records under CCTV coverage shall be maintained by coal mines to ensure movement of covered trucks loaded with coals and regular and comprehensive operation of sprinklers in coal zone, stockyard and all mine roads. CAAQMS shall be connected to CECB/CPCB server, and also displayed on the mine gates for public information.**

The committee during its field visits has observed installation of CCTV in coal mines and found its satisfactory operation its connectivity with CPCB and CECB should be made. M/s CSPGCL mines have installed two CAAQMS as per instruction and its connectivity with CPCB and CECB is in progress. CECB has also placed order for purchase and installation three CAAQMS in the area but as on 30.11.2021 no station was found operational.

*M/s CSPGCL mine has installed two CAAQMS and remaining is not complied. May its installation takes time but on this excuse concerned proponents are not entitled for excuse. CECB to issue directions to concerned proponents for installation of CAAQMS and for CCTV connectivity with CPCB and CECB.*

**1.6 Proper repairing and maintenance of roads outside the mine area to ensure smooth movement of trucks and other load carrying vehicles.**

Although Environmental Penalty / Fine has been assessed on Principal Secretary, PWD State of CG but he is not exonerated from complying earlier directions. He should comply those directions else shall be liable again for Penalty/Fine and other legal coercive measures.

**1.7 Proper and free health care facilities with multispecialty treatment system may be provided in all coal mine-adjacent villages as per the recommendations of the committee report of 14.6.2019 in the Dukalu Ram (OA 314/2014 CZ) case.**

Although Environmental Penalty / Fine has been assessed on Principal Secretary, Health, State of CG but he is not exonerated from complying earlier directions. He should comply those directions else shall be liable again for Penalty/Fine and other legal coercive measures.

**1.8 Strict vigilance by MOEFCC for green belt development compliance as per EC conditions.**

Yes. On Papers although Project Proponents have tried to show that they are doing the plantation work , but there is distinction between plantation and Green belt development therefore as per mining plan coal mines shall develop green belt and on OB dumps shall grow prescribed species of tree and as per CPCB guide lines 2019 TPP shall develop green belt.

- 1.9 **We also recommend that no further conversion of UG mines to Open Cast mines be permitted in Tamnar and Gharghoda, keeping in mind the environmental costs in terms forest loss, major 4 noncompliance in pollution control and social cost (rehabilitation).**

Nodal officer of the committee has informed accordingly to Member Secretary (IA-Coal) Ministry of Environment Forests & CC vide letter number RD/BPL/NGT OA 104/2018/72 dated 18<sup>th</sup> September 2020. However Honorable NGT Order dated 27-02-2020 in Para 6 have observed; We are of the view that since serious deficiencies have been found and there is potential for damage to the environment as observed in the report, the 'Precautionary' and 'Sustainable Development' principles require that any further expansion or new projects in the area should be allowed after thorough evaluation only and mechanism for remedial measures should be in place, including oversight of measures for health mitigation.

## 2.0 Long-term measures

- 2.1 **Commissioning a detailed and comprehensive environmental load carrying capacity study to be carried out by a reputed environmental research institute over a 24 month period. Mode of commissioning of this study may please be decided by the Hon'ble NGT and necessary directions may please be issued.**

In the meeting of the oversight committee held on 16.10.2020, CPCB has advised CECB to include the project cost in EC fund sponsored project. CECB vide its letter dated 31.03.2021 has invited proposal from NEERI, Nagpur for conducting Carrying capacity study in Tamnar & Gharghoda Blocks of District Raigarh. The Technical and Commercial proposal was submitted by NEERI, Nagpur which is still under consideration in CECB.

**2.1.1 The study must cover dimensions of air pollution (especially PM2.5), water pollution and ground and surface water depletion, soil contamination, forest and biodiversity loss, and social and health impacts.**

Action by CECB to ensure its incorporation during finalization of proposal submitted by NEERI, Nagpur for carrying capacity study.

**2.1.2 Moreover, given the geography of the region, the study must assess the carrying capacity separately for two different sub regions: the northern Tamnar (coal mining related) block and Gharghoda block. Moreover, since Chhal open cast mine located in southern Dharamjaigarh block is located on the bank of Mand River and therefore in an eco-sensitive zone, a baseline study of this region may also be carried out. The southern Tamnar subregion has already been studied for environmental load carrying capacity by IIT Kharagpur (report submitted to CECB in 2018) and it has already recommended strict regulation of any further industrial development in particular parts of the sub-region through a high-level committee.**

Action by CECB to ensure its incorporation during finalization of proposal submitted by NEERI, Nagpur for carrying capacity study.

**2.1.3 CECB shall ensure that within 4 month the studied for environmental load carrying capacity pending with it shall be allotted according to legal process and allottee should ensure that after allotment study should be completed and report submitted within 24 months. Both of them should keep in mind that default if caused then defaulter shall be liable under legal consequences.**

- 2.2 To reduce the pollution and other impacts caused by road transport of coal and other minerals, directions may be issued that coal transport by road from coal mines or to thermal power plants in these two blocks will be permitted only for 1 year, after which transport must be done by rail or closed conveyor belt only.**

IRCON International Limited, that 44 Km Railway line work from Kharsia – Gharghoda – Korichhapar has been completed and started transportation of coal. Work for 14 km rail line from Gharghoda – Bhalumuda – Gare Palma will be completed by June 2021. Rail line work from Karichhapar – Kurumkela – Dharamjaygarh will be completed by December 2021. IRCON has to construct 05 numbers of coal siding in Tamnar and Gharghoda area for increasing rail coal transportation. As on date of committee visit IRCON has completed 03 coal siding and made 01 siding operational, 02 more siding will be made operational by December 2021. As per data received from major mining company of the area i.e. SECL, it is reported that 35% coal transport increase has been observed in comparison to last financial year 2019-2020. It is assumed that coal transport by rail may increase by 50% in addition to earlier transport in rail by December 2021.

- 2.3 Condition of greenbelt development may be incorporated at TOR stage of EC application to ensure that greenbelt work shall be in place at the time of final presentation for obtaining EC, which shall be verified by MOEFCC. Further, while granting TOR, EAC should specify the location of the greenbelt to provide buffer between coal mine and human settlements, and specify a sufficient width of the greenbelt for the same.**

Copy of Hon'ble NGT order has been provided to MoEF&CC through its representative of the committee.

**2.4 Ministry of Coal be directed to include the necessary provisions to ensure the acceptance of fly ash in coal mines for disposal through OB dump and back-filling as per fly ash notification of 2009.**

In this context, Member Secretary, CGEnvironment Conservation Board, Raipur, apprised us that State level committee has been constituted a long back and now has been reconstituted on 24.01.2019. This reconstituted committee is termed as monitoring committee constituted by Chhattisgarh Government to monitor the utilization of Fly ash in accordance to MoEF&CC notification SO 2804 (E) dated 03.11.2009.

The committee seems to be responsible for obtaining specification of quality of fly ash from expert committee referred in sub paragraph (10) for this purpose. As per sub paragraph (10) ministry of coal for this purpose shall constitute an expert committee comprising of representative from fly ash unit, Department of Science and Technology, Ministry of Science and Technology, Director General of Mines (DGMS), Central Mine Planning and Design Institute Limited (CMPDIL), Ministry of Environment Forests & CC, Ministry of Power, Ministry of Mines and Central Institute of Mining and Fuel research (CIMFR).

Hon'ble NGT in its order dated 24.06.2021 on point no 6 has considered the field observations made in report dated 17.03.2021 about violation found on the JPL, JSPL, Hindalco Industries Limited, Mahaveer Energy and coal Benefication and M/s Ambuja Cement and M/s CSPGCL coal mines.

The com.mittee has addressed all issues during its site visit on 24<sup>th</sup> and 25<sup>th</sup> August 2021 and concerns were given opportunity of hearing on 14<sup>th</sup> and 15<sup>th</sup> September 2021.

The following observations made in the report dated 17.03.2021 has been found resolved.

1. Fly ash dumping with in GP IV/01, outside mine void
2. Fly ash dumping with in GP IV/02 & 03, outside mine void
3. Leakage of fly ash slurry from JPL ash dyke
4. Fire in coal mine/coal dump Gare Pelma IV/02&03
5. Discharge of untreated waste water from M/s Hindalco Industries Limited Coal mine
6. Inadequate quality of drinking water supply to Kondkhel village
7. Making abandoned mines available for disposal of fly ash

FOLLOWING ARE THE MAJOR RECOMMENDATION TO MEET OUT THE PROBLEM OF POLLUTION DUE TO TRANSPORTATION AND FLY ASH DISPOSAL:-

1. Coal brought from outside CG to Tamnar and Gharghoda area by TPP should be carried by train upto nearest Railway siding, may it be booked from any Rly station. From Rly siding to TPP coal may be carried through mechanically operated closed Goods Vehicle or through manual operated Tarpoline covered Goods vehicle. If any exigency arises State PCB may for limited period relax this condition.
2. Coal bought from inside CG to Tamnar and Gharghoda area by TPP should be carried by train upto nearest Railway siding if train connectivity is available . From Rly siding to TPP coal may be carried through mechanically operated closed Goods Vehicle or through manual operated Tarpoline covered Goods vehicle. If train connectivity is not available coal may be carried through mechanically operated closed Goods Vehicle or through manual operated

Tarpoline covered Goods vehicle. If any exigency arises State PCB may for limited period relax this condition

3. Fly ash is a byproduct of TTP and produced as a result of Coal/lignite Burning. Fly ash is hazardous to environment. For its disposal MoEF has from time to time issued notifications and as per notification 2009 one of the mode is stowing of mines using at least 25% of fly ash on weight to weight basis of the total stoving material used and 25% of fly ash on volume to volume basis on the total material used for external dump of over burden and same percentage in upper benches of back filling of open cast mines ,this utilization is to be done under the direction of DGMS.
4. Coal mines although are legally and morally bound to accept minimum above quantity of fly ash from TPP. To achieve this target it is recommended that when coal is sold by the coal company to TPP there should be a condition in the agreement to sell that at least 25 % Fly Ash of the coal sold, should be accepted by the coal company (Seller) from TPP (purchaser) failing which coal company shall be liable for civil action and other legal measures.
5. Before approval of mining plan by the approving authority, approving authority should ensure incorporation of fly ash disposal as required under notification 2009 clause 8(i ) and 8(ii).
6. Till carrying capacity report comes, after taking due care to environment, authorities may grant mines, lease, consent permissions, EC etc. After receipt of the carrying capacity report, the same should also be taken as Governing factor.

## DIRECTIONS TO NODAL OFFICER

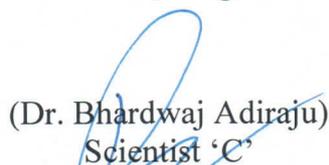
Nodal Officer is authorized to file status report (compliance status as on 30-11-2021) along with exhibits before the Hon'ble National Green Tribunal on or before 15-12-2021 by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. Nodal Officer shall send copy of the report to the authorities who are required to implement the recommendations of the Committee to enable such authorities to file their response, if any, before the next date. Nodal officer shall send copy of minutes under which assessment of compensation for the violations on the basis of which the statutory State Board may take further action, following due process of law to Statutory State Board. Nodal Officer shall also send copy of minutes of meetings in which Penalty/ Fine have been assessed on Principal Secretary, PWD, Principal Secretary Health, Govt. of CG to statutory State Board for taking action. Nodal Officer shall if required hand over all paper which we received during working of Oversight Committee to Hon'ble NGT, further authorized on behalf of the committee to do all those works which on authorization can be done by him.



(Shri. S.K.Verma)  
Regional Officer,  
CECB, Raigarh



(Dr.P. R.Pujari)  
Senior Principal Scientist,  
NEERI, Nagpur



(Dr. Bhardwaj Adiraju)  
Scientist 'C'  
MoEF&CC IRO- Raipur



(Dr.R.P.Mishra)  
Scientist "D"  
CPCB, Bhopal



(Justice V.K. Shrivastava)  
Chairman

First Meeting  
Date- 19<sup>th</sup> July 2021

**Minutes of the meeting of Oversight Committee  
OA No. 104/2018 Shivpal Bhagat & Ors. Vs Union of India & Ors.**

Hon'ble NGT vide its order dated 24.06.2021 in OA No 104/2018 has directed that the Oversight committee will now be headed by hon'ble Justice V. K. Shrivastava, former Judge of Chhattisgarh High Court. The copy of Hon'ble NGT order dated 24.06.2021 was provided to Hon'ble Justice V. K. Shrivastava at Bilaspur by CPCB and briefed about the content of case and its status as on date. As per direction received meeting of the Oversight committee was organized on 19.07.2021 at Bilaspur. The meeting was attended by all the members of the committee detailed as under-

1. Justice V. K. Shrivastava , Chairman
2. Dr. Paras Ranjan Pujari, Principal Scientist, NEERI, Nagpur
3. Dr. Sharachchandra Lele, Distinguished Fellow, ATREE, Bengaluru
4. Dr. R. P. Mishra Scientist "D" Central Pollution Control Board, Bhopal
5. Dr. Purussottam Sakhare, Scientist 'D' Regional Office, MoEF&CC, Nagpur
6. Sh. P. K. Gupta, DC, Raigarh
7. Sh. S.K. Verma, Regional Officer, CECEB, Raigarh

On 24-06-2021 Hon'ble NGT considered the Committee's report filed on 16-04-2021 and passed order on 24-06-2021 based on Committee's field visit, status of compliance as on 15-03-2021, field observations with recommendations, and response of applicant. The relevant portion of the order enshrined in para 8 and 9 of the order are as below:

*"8. We have given due considerations to the report of the Committee as well as suggestions made on behalf of the applicants. The recommendations of the committee need to be accepted. State Board should prepare list of areas where the unscientific disposal of fly ash has been taken place and generate data about the quantity of the coal Mined used in the industries and available for TPPs. Steps need to be taken expeditiously for development of health facilities, constructing necessary road from Raigarh to Dharamjaygarh and from Punjipatra to Milupara, disposal of fly ash in abandoned coal mines and constitution of state level committee to look into scientific utilization of the fly ash. Taking such steps is undoubtedly necessary for protection of the environment. The*

*suggestions of the applicants reproduced above also need to be considered by the Oversight Committee.*

*9. The Oversight Committee may make assessment of compensation for the violations on the basis of which the statutory State Board may take further action, following due process of law. The Committee may continue to oversee remedial measures in terms of directions of this Tribunal. The Committee may undertake field visit and also interact with all the stakeholders. "The Committee will be at liberty to take assistance from any other Expert / Institution."*

The committee has discussed point wise progress made in short term and long term action plan being implemented in the matter. Chairperson of the committee has highlighted the key points to be focused on priority by concern departments. The key points of the meeting are as under-

**1. Part-A Short term Action Plan :-**

- (1) Whether CECB amended the consent conditions of all TPP and Coal mines. **(Action by CECB)**
- (2) Whether SECL Chaal (OC), Monet Ispat, M/s Ambuja Cement are accepting fly ash for disposal through OB and back filling. **(Action by CECB)**
- (3) Whether CECB constituted State level Committee to decide the mode and quantity of fly ash to be disposed in working/abandoned mines/ Quarries in the State. **(Action by CECB)**
- (4) Whether as per precondition of SOP Power plant/land owner / agency have obtained statutory permission from regulatory authority SPCB. **(Action by CECB)**
- (5) Whether CECB has submitted list of the location of low lying areas being used or earlier used for unscientific disposal of fly ash for which permission has been granted by local administration after getting NOC from CECB. **(Action by CECB and DC Raigarh- All gram sarpanch of the area in question may be called in stake holder meeting)**
- (6) Whether complete supply of coal from Palma 1V/2&3 (SECL) have been made to JPL and JSPL through existing closed conveyor belts in 2019-20 and 2020-21. **(Action reported by CECB- Yes 44,25,66 MT in 2019-2020 & 40,24,274 in 2020-2021)**

- (7) Whether Hindalco is providing tap water in villages Kondkel in co-ordination with PHED. (Action by Hindalco and PHED, **Representative from HINDALCO and PHED may be asked to be present in the meeting of committee with stakeholders.**)
- (8) Whether information has been collected regarding water recharge provided by coal mines while obtaining NOC from Central Ground Water authority. (Action by CECB- **Request has been sent to Regional Director, Central Ground Water Board (CGWB), Raipur on 18.06 .2021. Response from CGWB is awaited. RD, CGWB, Raipur may be asked to be present in the meeting of committee with stakeholders.**)
- (9) Whether CCTV has been installed by M/s HINDLCO Industries, SECL Gare Palma IV/2 & 3, SECL Chaal, SECL, Gare Palma IV/1. (Action by CECB- **CCTV installed in all mine except Gare Palma IV/1 which is not in production as on date**)
- (10) Whether CAAQMS has been installed in all coal mines having its connectivity with CPCB/CECB servers. (Action by CECB- **CAAQMS purchase order placed by CECB**)
- (11) Whether IRCON has completed work, 14 KM rail line from Gharghida-Bhalumunda-Gare Palma and 5 number of coal siding in Tamnar and Gharghoda area. (Action by **IRCON and physical verification by CECB, Representative from IRCON may be asked to be present in the meeting of committee with stakeholders.**)
- (12) Whether proper repair and maintenance of Road have been done inside and outside the mine area by PWD and mining companies. (Action by **PWD for outside mining area** )
- (13) Whether proper and free health facilities with multispecialty treatment system have been provided in all coal mine adjacent villages. (Action by **DC Raigarh- Organization of health camps have been started.**)
- (14) Whether MoEF & CC has submitted compiled response received from coal mines relating to Green Belt developments as per EC conditions. (Action by **MoEF&CC Nagpur**)
- (15) Whether after September 2020 any UG mines has been converted to OC coalmines. (Action by **MoEF&CC Nagpur**)
- (16) What progress has been made for commissioning a detailed and Comprehensive environmental load carrying capacity study. (Action by **CECB- Offer called from NEERI. 1<sup>st</sup> round of technical meeting held on 02.08.2021**)

- (17) Whether in 2020-21 total transportation of coal to TPP have been made by coalmines through Rail or closed conveyor belt. **(Action by All Coal Mine – follow up by CECB)**
- (18) Whether strict monitoring and follow up action by MoEF & CC for green belt development compliance has been made, if so, its result. **(Action by MoEF&CC, Nagpur)**
- (19) Whether CMD SECL issued any permission for utilization of abandoned mines for disposal of fly ash. ( **Action by SECL- Yes copy of the letter to be provided by CECB)**

## 2. PART-B Long term Action Plan:-

Hon'ble NGT has directed that the Oversight Committee may make assessment of compensation for the violations on the basis of which the statutory State Board may take further action, following due process of law. The National Green Tribunal Act 2010 does not define compensation, however section 15 authorizes the tribunal subject to sub sections (2) to (5) to provide by an order (a) relief and compensation to the victim of pollution and other environmental damage arising under the enactments specified in the schedule 1 (including accident occurring while handling any hazardous substance) (b) for restitution of property damaged (c) for restitution of the environment for such area and areas. State Pollution Control Board having various functions has also been empowered to do such other things and to perform such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purpose of The Air (Prevention and Control of Pollution) Act 1981. Although CPCB has drawn and issued methodology for assessing Environmental Compensation and action plan to utilize the same but that does not mean that it restricts assessment of compensation for victim of pollution relating to its person and property. In view of the above assessment of compensation as desired by Hon'ble NGT does not have any restricted meaning. For calculating Environmental compensation one of the main factor is period during which the violation of PC continued or still continuing and for that it is necessary' to know the result of earlier directions issued by the committee on field observations.

- (1) Whether JSPL cleaned up the unauthorized dump. Whether JSPL complied the process of covering of fly ash with overburden /sweet soil and ensured daily watering or covering up the fly ash during back filling process. ( GP IV/I) **(Action by CECB- reported complied on 23.06.21)**

- (2) Whether JPL cleaned up the unauthorized dump and disposed the fly ash in the mine void through the back filling process (GP IV /2-3) **(Action by CECB- reported complied on 23.06.21)**
- (3) Whether directions issued seeing condition of leakage of fly ash dyke IIA and IIB of JSPL have been complied with or not. **(Action by CECB- Dyke Stability report submitted)**
- (4) TRN power has created an ash dump violating EC conditions outside its ash dyke in the village Nawapara Tenda. There are physical evidences for breaching of mud wall leading to fly ash flowing into adjoined field even situation to fly ash into neighboring habitants. Whether further dumping is continuing, whether regular watering is done in mud dyke. Whether fly ash dumping caused injury to any person or any property. Whether fly ash dump was in his own land or in the land of others. **(Action by CECB- reported not complied on 23.06.21)**
- (5) Mahaveer Bio Energy has created an ash dump behind its premises in violating the SOP and EC even creating a public hazard. Whether dump has been made in private land of villagers, whether improper dumping has been removed. **(Action by CECB- compliance awaited)**
- (6) Whether to save hazard from fire which took place in Gare Palma IV /2-3 (SECL), SECL arrested all fire within 500 m of Kusumpalli and Sarasmal Village. **(Action by- SECL & DGMS- Report is awaited. Representative from SECL & DGMS may be asked to be present in the meeting of committee with stakeholders.)**
- (7) M/s Hindalco Industries Ltd. violating EC condition have drained untreated water at Gare Palma IV/4 in to a drain leading to agriculture field, whether still continuous, whether it caused any damage to agricultural field. Whether any other way out has been made by the industry. **(Action by CECB- Representative from HINDALCO may be asked to be present in the meeting of committee with stakeholders.)**
- (8) Whether OB dump by CSPGCE mine at Gare Palma sector 3 on both sides of public road was according to mining plan, if not what action has been taken by CECB and MoFF & CC. Whether any one suffered any loss from dump. **(Action by- CECB and MoEF&CC Nagpur)**
- (9) What was the outcome of sample analysis of sample collected from River Kelo. **(Action by NEERI- Nagpur)**

### 3. PART-C      Agenda of Field Visit:-

- (1) To interact with all stake holders and also to consider suggestions of the applicants reproduced in Hon'ble NGT order. **(Action by CECB to call applicant for meeting on 23.08.2021 (F/N) and Stake holders on 23.08.2021 (A/N).**
- (2) Collection of data for assessment of Environmental Compensation. **(Joint action by DC, Raigarh, CECB and CPCB)**
- (3) To collect information for drawing assessment of loss to person and property. **(Action by DC, Raigarh)**
- (4) CPCB if completed, compilation of list of areas where unscientific disposal of fly ash has taken place and generated data about the quantity of the coal mined; used in the industries and available for TPPs. shall submit the same forth with. **(Action by CPCB on receipt of report and data from CECB)**
- (5) Whether Road from Raigarh to Dharamjaygarh and from Punjipatra to Milupara have been constructed **(Action by PWD- Report to be presented in Stake holders meeting)**
- (6) To collect information regarding adjoining villages adjoining the mines area, and TPPs from Revenue authority and also to collect information regarding payment of any damage to any villagers due to fly ash dumping and breach of other EC. **(Action by DC, Raigarh to be presented in Meeting)**
- (7) Applicants if so desired may show polluted areas. **(Action by CECB- To inform applicants about field visit of the committee on 24<sup>th</sup> August 2021)**
- (8) Already visited area required to be revisited for confirmation of continuing violation or redressed thereof. **(Field Visit scheduled on 24-25th August 2021)**
- (9) To verify whether CECB complied all the directions given by the committee and whether concerned have obeyed the same. **(Action by CECB- onward directions/letters issued to non-compliances further verification report submitted on 23.06.2021)**

In compliance of point 1-9 from Part-3, it is decided to conduct field visit during 23-26<sup>th</sup> August 2021 by the Oversight Committee. The Oversight Committee will meet with applicants on 23<sup>rd</sup> August 2021 from 11 AM to 01 PM and with stake holders from 03 to 05 PM. All the concerned department listed in Part 01 & 02 will compile the related status report to place before Oversight Committee. The representatives of the concerned departments are also to be present during field visit on 24<sup>th</sup> & 25<sup>th</sup> August 2021. Regional Officer, CECB, Raigarh will co-ordinate with applicants and stakeholders and ensure their presence in meeting. He will also finalize meeting venue in consultation with DC, Raigarh.

The meeting ended with thanks to Chairman.

(Dr. Sharachchandra Lele)  
Distinguished Fellow,  
ATREE Bengaluru



(Dr. P.R. Pujari)  
Senior Principal Scientist,  
NEERI, Nagpur

(Dr. P. R. Sakhare)  
Scientist-D, MOEF&CC, Nagpur



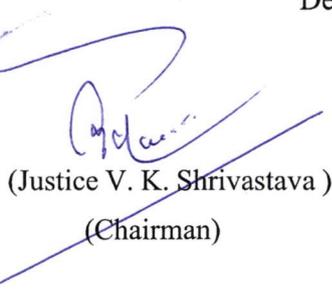
(Shri. S.K. Verma)  
Regional Officer, CECB, Raigarh



(Dr. R. P. Mishra)  
Scientist "D"  
CPCB, Bhopal



(Sh. P. K. Gupta)  
Deputy Collector Raigarh



(Justice V. K. Shrivastava )  
(Chairman)

In compliance of point 1-9 from Part-3, it is decided to conduct field visit during 23-26<sup>th</sup> August 2021 by the Oversight Committee. The Oversight Committee will meet with applicants on 23<sup>rd</sup> August 2021 from 11 AM to 01 PM and with stake holders from 03 to 05 PM. All the concerned department listed in Part 01 & 02 will compile the related status report to place before Oversight Committee. The representatives of the concerned departments are also to be present during field visit on 24<sup>th</sup> & 25<sup>th</sup> August 2021. Regional Officer, CECB, Raigarh will co-ordinate with applicants and stakeholders and ensure their presence in meeting. He will also finalize meeting venue in consultation with DC, Raigarh.

The meeting ended with thanks to Chairman.

(Dr. Sharachchandra Lele)  
Distinguished Fellow, ATREE Bengaluru



(Dr. P. R. Sakhare)  
Scientist-D, MOEF&CC, Nagpur

(Dr. P.R. Pujari)  
Principal Scientist, NEERI, Nagpur

(Shri. S.K.Verma)  
Regional Officer,CECB, Raigarh

(Dr. R. P. Mishra)  
Scientist "D"  
CPCB, Bhopal

(Sh. P. K. Gupta)  
Deputy Collector Raigarh

(Justice V. K. Shrivastava )  
(Chairman)

2<sup>nd</sup> MeetingDate- 23<sup>rd</sup> - 26<sup>th</sup> August 2021**Minutes of the meeting of Oversight Committee****OA No. 104/2018 Shivpal Bhagat & Ors. Vs Union of India & Ors.**

Hon'ble NGT vide its order dated 24.06.2021 in OA No 104/2018 has directed that the Oversight committee will now be headed by Hon'ble Justice V. K. Shrivastava, former Judge of Chhattisgarh High Court. 1<sup>st</sup> meeting of the Oversight Committee was held on 19.07.2021 at Bilaspur and was attended by all members.

In accordance with decision taken in 1<sup>st</sup> meeting field visit of Raigarh was conducted during 23<sup>rd</sup> to 26<sup>th</sup> August 2021. Sh. Sharachchandra Lele, ATREE, Bengaluru could not attend the meeting due to health issue and MoEF & CC, Regional Office, Nagpur has nominated Dr. Bharadwaj Adiraju, Scientist C, IRO, Raipur in place of Dr. Purussottam Sakhare, Scientist "D" Regional Office, Nagpur. As per pre decided schedule committee had meeting with applicant and stakeholders on 23.08.2021, Field visit on 24-25.08.2021 and concluding meeting with concerned departments on 26.08.2021. The meeting and field visit was attended by members as under-

1. Justice V. K. Shrivastava, Chairman
2. Dr. Paras Ranjan Pujari, Senior Principal Scientist, NEERI, Nagpur
3. Dr. R. P. Mishra Scientist 'D' Central Pollution Control Board, Bhopal
4. Dr. Bhardwaj Adiraju Scientist 'C' MoEF&CC, IRO Raipur
5. Sh. P. K. Gupta, Dy. Collector, on behalf of Collector Raigarh.
6. Sh. S.K. Verma, Regional Officer, CECEB, Raigarh

The committee has discussed point wise progress made on the issues included in the MOM of 1<sup>st</sup> meeting and also verified the status in field during 24 -25<sup>th</sup> August 2021. The points observed during meetings and field visits are as under-

## 1. Meeting with Applicant and Stake Holders (23<sup>rd</sup> August 2021) -

The Committee has organized meeting in the Collector Office to hear applicant and stake holders on the various issues emerged from previous reports submitted and subsequent orders passed by Hon'ble NGT.

The applicants and villagers were heard by the Oversight Committee on 23<sup>rd</sup> August 2021 (F/N). The list of applicant and other villagers present in the meeting is as under-

|    |                       |             |    |                       |            |
|----|-----------------------|-------------|----|-----------------------|------------|
| 01 | Sh. Shivpal Bhagat    | Applicant   | 02 | Ms. Rinchin           | Applicant  |
| 03 | Smt. Janki Sedan      | Applicant   | 04 | Shri Ram Gupta        | Applicant  |
| 05 | Sh. Tuleshwar Baisnav | Bhengari    | 06 | Sh. Kanahi Ram Patel  | Villager   |
| 07 | Sh. Dukkalu Ram       | Sarasmal    | 08 | Sh. Somnath Patel     | Sarasmal   |
| 09 | Sh. Karam Singh       | Sarasmal    | 10 | Sh. Mohan Lal         | Millupara  |
| 11 | Sh. Rathia            | Kausampalli | 12 | Sh. Mohanlal          | Millupara  |
| 13 | Sh. Hemsagar          | Salihamatha | 14 | Sh. Prahlad Sidar     | Regaon     |
| 15 | Sh. Mainsingh         | Ukarpalli   | 16 | Sh. Nohar Chauha      | Narmunda   |
| 17 | Sh Chedilal Chauhan   | Ukarpalli   | 18 | Sh. Teerthanand Patel | Kondkhel   |
| 19 | Sh. Manhara           | Kondkhel    | 20 | Smt. Pushpa           | Millupara  |
| 21 | Sh. Khusiram          | Millupara   | 22 | Sh. Salikram          | Millupara  |
| 23 | Sh. Mayaram           | Narmunda    | 24 | Sh. Bharatlal Singhar | Nagarmunda |

The issues raised by the applicants / villagers were about mishandling of fly ash by Jindal Power Limited (JPL) in GP IV/01, GP IV/02 and GP IV/03 mines. The applicants have also raised the issue of fly ash leakage from Ash Dyke of JPL and unscientific dumping of fly ash in low lying areas by M/s TRN Energy Pvt. Limited and Mahaveer Energy & Coal Beneficiation Limited. Also applicants made brief submissions on their suggestions on action suggested before the Hon'ble NGT.

The oversight committee suggested to the villagers and applicants for submission of their claim in writing about damage occurred due to cause informed in the meeting. The claims were to be submitted in the office of Regional Officer, Chhattisgarh Environmental Conservation Board, Raigarh on before 10<sup>th</sup> September 2021 and claimants to be physically present for hearing before Oversight Committee on any day during 14<sup>th</sup> to 16<sup>th</sup> September 2021 at Bilaspur.

The oversight committee also heard the stakeholders in A/N on 23<sup>rd</sup> August 2021 for submission of their compliances on the issues raised by applicants/ villagers. The list of stakeholders present in the meeting is as under-

| <b>S. No.</b> | <b>Name</b>            | <b>Industry / Department</b>            |
|---------------|------------------------|-----------------------------------------|
| 01            | Sh. Sanjay Singh       | EE, PHED, Raigarh                       |
| 02            | Sh. D P Verma          | AE, PHED, Gharghoda                     |
| 03            | Sh. S M Minalza        | GM, IRCON, Bilaspur                     |
| 04            | Sh. A K Singh          | Dy. GM, IRCON, Bilaspur                 |
| 05            | Sh. B R Naik           | Managar, IRCON, Bilaspur                |
| 06            | Sh. Manoj Kumar Sahu   | Dy. Director, DGMS, Raigarh             |
| 07            | Dr. P K Naik           | CGWB, NCCR, Raipur                      |
| 08            | Sh. G. Shreenath       | CGWB, NCCR, Raipur                      |
| 09            | Sh. Vikrant Singh      | CGWB, NCCR, Raipur                      |
| 10            | Sh. Sandeep Markan     | Assistant Manager, SECL, Raigarh        |
| 11            | Sh. S P Ahmad          | SECL, Raigarh                           |
| 12            | Sh. N Rukmangad        | GP IV 2&3 OCM, Raigarh                  |
| 13            | Sh. Sachin Sharma      | M/s HINDLCO Mines, Raigarh              |
| 14            | Sh. Sharanappa Kambali | M/s Ambuja Cement Ltd                   |
| 15            | Sh. Prahlad Prasad     | M/s TRN Energy (P) Limited              |
| 16            | Sh. Vikash Singh       | M/s TRN Energy (P) Limited              |
| 17            | Sh. S K Singh          | GM,ENV, JPL, Tamnar, Raigarh            |
| 18            | Sh. D K Bhargava       | VP, JPL, Tamnar, Raigarh                |
| 19            | Sh. C N Singh          | ED, JPL, Tamnar, Raigarh                |
| 20            | Sh. D P Singh          | AVP, ENV, JSPL, Raigarh                 |
| 21            | Sh. B S Gupta          | AGM, JSPL, Raigarh                      |
| 22            | Manager HR             | M/s Mahaveer Energy & Coal Benefication |
| 23            | Sh. M R Bagde          | EE, Civil, CSPGCL, Raipur               |
| 24            | Sh. Mukesh Saxena      | SVP, CSPGCL Mines, Raipur               |
| 25            | Sh. S K Pal            | VP, CSPGCL Mines, Raipur                |
| 26            | Sh. Sanjeev Kumar      | VP, CSPGCL Mines, Raipur                |
| 27            | Sh. Rakesh Pandey      | M/s Nav Durga Fuel (P) Limited          |
| 28            | Sh. R N Jha            | M/s Ambuja Cement limited               |
| 29            | Sh. M L Sahu           | M/s Nalwa Steel & Power Limited         |
| 30            | Sh. Ganesh Mittal      | M/s Anjani Steel, Raigarh               |

- Representative of CGWB, Raipur Sh. Srinath Scientist “B” was present during meeting and assured the committee to provide the details about water recharge points provided by coal mines while obtaining NOC from CGWA in the 1<sup>st</sup> week of September 2021.
- M/s IRCON was to complete the work of 14 KM rail line from Gharghoda-Bhalumunda-Gare Palma and 5 number of coal siding in Tamnar and Gharghoda area.  
The representative from IRCON International Limited present in the meeting has informed about extension of target date up to December 2021 for completion of the project. The committee has asked M/s IRCON International Limited to submit the statement in writing.
- TRN power has created an ash dump violating EC conditions outside its ash dyke in the village Nawapara Tenda. There are physical evidences for breaching of mud wall leading to fly ash flowing into adjoined field even situation to fly ash into neighboring habitans. The representative of M/s TRN Energy Pvt. Ltd was present in stakeholder meeting, who stated that after NOC and agreement of land owner for disposal of fly ash in low lying area disposal has been made. As informed by the industry further disposal of fly ash in low lying area is not in process. The industry has constructed new flyash dyke for further disposal of fly ash in future.
- Free medical health facility was to be provided by State Government to villagers residing near to coal mining area. In this context it was informed that State Government has organized health check camp in August 2021 in all coal mine adjacent villages.
- The representative of M/s Mahaveer Energy & Coal Benefication Limited was present in stakeholder meeting who stated that after obtaining NOC and agreement of land owner for disposal in low lying area disposal has been made. As informed by CECB disposal of fly ash in low lying area is still in process and at present fly ash is being stored in the plant premises.
- Complete supply of coal to be made to JPL from Gare Palma 1V/2&3 (SECL) shall be made through existing closed conveyor belts. Representative from JPL has informed that 44,25,66 MT coal was transported in 2019-2020 & 40,24,274 in 2020-2021 through conveyor belt to JPL. The quantity provided is about 70 % of total coal mined from GPIV/2&3, however coal quantity received for GP IV/2&3 only satisfies its 25% requirement. Rest of the requirement is met from other coal mines of Chhattisgarh and Orissa.

- The representative of JPL has also informed that they have cleaned up the stored dump and disposed the fly ash in the minevoid through the back filling process (GP IV /2-3). It was also informed that Regional Office, CECB, Raigarh has inspected the site and submitted his report for the same.
- The concerned officers from JPL has stated that they received CECB direction for leakage of fly ash dyke IIA and IIB and they submitted stability report for the same to CECB.
- The representative of JSPL stated that they have cleaned up the stored dump of fly ash and disposed the fly ash in the minevoid through the back filling process (GP IV /01). It is also stated that Regional Office, CECB, Raigarh has inspected the site and submitted his report for the same.
- In the meeting of oversight committee held on 15-17.03.2021 Executive Engineer PWD, Raigarh has informed that main highway connecting Raigarh to Dharmajaygarh has now been shifted to NH Scheme. Stretch from Chhal mines to Gharghoda has been approved for two lane and its strengthening. Stretch from Punjipathra to Milupara via Tamnar (25Km) and stretch from Millupara to Lailunga not yet approved.

Since the actual process of constructing the NH will take at least two years, EE PWD, Raigarh has been instructed to identify badly damaged patches in this stretch and prepare a budget for obtaining approval and act upon immediately (within three months). As far as construction of other stretches are concerned PWD shall take highest priority because these are stretches with heaviest traffic density.

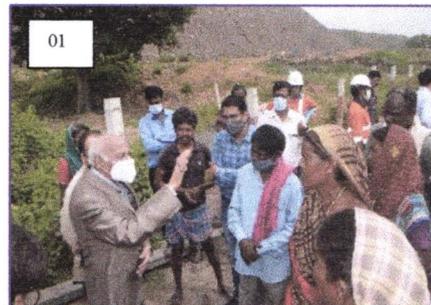
As EE, PWD, Raigarh was not present in the meeting on 23.08.21 the committee has instructed him to ensure his presence before committee on 26.08.2021.

- The representative form M/s Hindalco Industries Ltd. informed that drain leading to agriculture field from Gare Palma IV/4 has been closed and compliance report submitted to CECB.

We also interacted with stake holders present, on remedial measures on pollution, violation done in past and still continuing and on other related matters.

## 2. Field Visit of Tamnar Area ( 24.08.2021)

2.1 Visit of CSPGCL Coal Mines (Gare Pelma Sector –III) - The field visit of oversight committee dated 17.03.2021 has observed dumping of OB on both sides of public road. In accordance with recommendation of the report mine site was visited on 24.08.2021 by Chairman and members of the new committee. During visit it was found that OB dump on one side Pic-02 of the road was located at approximately



80m distance from road side but OB dump all along road was not within prescribed distance, even on many places it is adjacent to road. Dump process is still continuing. We saw a number of coal loaded trucks passing through this road and also this road is under use of the lessee. Villagers assembled there and applicant's representatives

have stated there that because of dump and traffic in road this place has been declared as accidental zone and within a year around 10 persons have been killed in accident. Road condition is very bad. Although in one side Provision of check drains have been seen but appears to be not having width of adequate size, the sludge or waste materials along with water is passing through the agricultural fields and is terminating in nallah. (O.B. Dump in CGSPGCL mine at Gare Palma sector 3 observed on field visit during 15-17 March 2021 on both sides of Public Road). This public road is within the mining area and as stated and shown by company officers present there as per mining plan road is to be diverted. For OB dump use of 25% of fly ash is compulsory but lessee did not complied the directions of notification 2009. Al though in one side Provision of check drains have been seen but in other side there appears no provision of check drains and garland drains have been made to ensure that the sludge or waste materials does not go into the nullah.

For environmental compensation and for remedial measure CGSPGCL, to be heard on Maintenance of Public Road, on illegal OB dump, nonuse of fly ash, non-construction of garland drains and proper settling tanks, Sludge and waste materials passing through agricultural field destroying crop production going to Nallah.

The mine authorities were instructed to present in hearing meeting on 14<sup>th</sup> September 2021 at Bilaspur with approved mining plan/ copy of EC/ permission from DGMS and CTE / CTO issued by Chhattisgarh Environment Conservation Board, Raipur.

2.2 Visit of M/s Ambuja Cement Coal Mines (Gare Pelma Sector- IV/8)- Mine site was visited on 24.08.2021 by Chairman and members of the new committee. During

visit of the committee OB dumping was observed on both side of the road (Pic-03). This public road is passing through the mines area and utilized by public, Mines operator and coal transporters. No garland drains with proper settling tanks have been constructed. 25% of fly ash as required in 2009



notification for OB dump has not been done. We saw a number of coal loaded trucks passing through this road, Road condition is very bad. Ambuja Cement Ltd to be heard on Maintainance of Public Road, on illegal OB dump, no use of flyash, non-construction of drains and proper settling tanks. The mine authorities were instructed to present in hearing meeting on 14<sup>th</sup> September 2021 at Bilaspur with approved mining plan/ copy of EC/ permission from DGMS and CTE / CTO issued by Chhattisgarh Environment Conservation Board, Raipur.

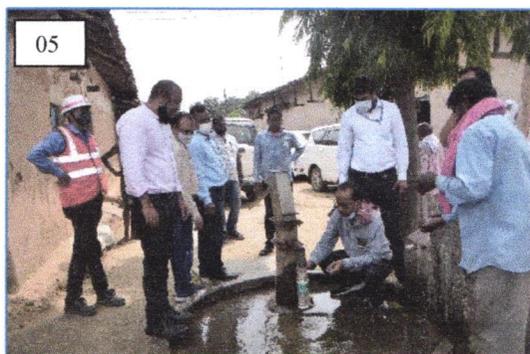
2.3 M/s Hindalco Mine drain and water supply in Kondkhel Village- The committee during its meeting on 17.03.2021 has found discharge of water from mine of M/s

Hindalco Mines (Gare Palma IV/4 & IV/5) leading to agriculture fields. The committee has recommended for inspection of treatment facility available with mine and collection of water sample to ensure that it meets discharge quality standards set in EC/Consent. CECB has



inspected the mine and submitted the report. As no sample was collected during inspection, the oversight committee once again visited the site on 24.08.2021 and collected the water sample for analysis (PIC-04). The committee has instructed the Regional Officer, CECB to present the sample analysis report during hearing meeting at Bilaspur.

In order to ensure and verify the adequate quality of drinking water supply in Village Kondkhel, the committee has also visited Kondkhel village on 24.08.2021 along



with applicant, representative of PHED and M/s Hindalco Limited. In the visit, water availability in hand pump as well as taped water supply was found in order. (PIC-05 & 06). More over National Environmental Engineering Research Institute (NEERI) Nagpur has set up network of observation wells in Kondkhel village during 01-02

August 2021. These observation wells network consisting of India Mark II hand pump that are used to measure the ground water level. The ground water level from observation wells network is obtained using Electric Contact Gauze. The ground water level is obtained with respect to below ground level (BGL). The water



level measured as below ground level has been converted to water level (above mean sea level) by subtracting the water level (BGL) from the reduced level (RL) of the well. The ground water extraction though hand pumps is used for domestic purposes only. The depths to ground water level (BGL-m) in the different observation wells varied between 5.24 m to 14.81 m during first week of August 2021.

- 2.4 Visit of Gare Palma IV/01 OC Mines- The captive power plant of M/s Jindal Steel & Power Limited, Dongramau has permission for disposal of its fly ash in Gare Palma IV/01 open cast mines. During visit of the committee on 24<sup>th</sup> August 2021 it was observed that fly ash mixed with OB being disposed near Nalah passing in mining lease area. (PIC- 07) The distance between disposal site and Nalah seems to be less than 500m and during rainy season fly ash may take a way to River Kelo through Nalah. The issue has been considered as negligence in selection of site

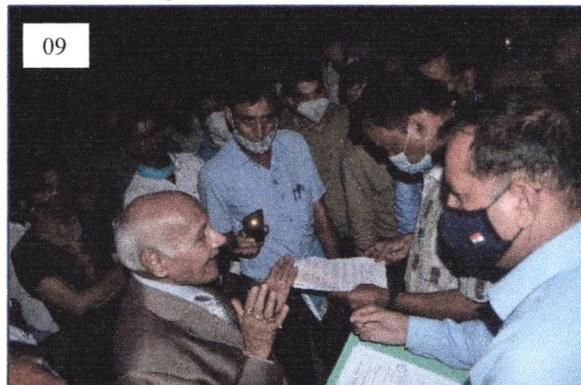


and M/s JSPL has been directed to be present in hearing meeting on 15.09.2021 at Bilaspur with all documents EC, Consent and quantity of fly ash disposed and remediation proposal if any.

- 2.5 Visit of Sarasmal Village- The committee has also visited village Sarasmal near Gare Palma IV/02 & 03 Open cast mines of SECL as first applicant Sh. Shivpal Bhaghat belongs to this Village. Gare Palm IV/02 & 03 OC mines are not operational since long and also not found operational during visit. The committee has also visited the pond from where water is being used by villagers and for irrigation purpose. The applicants informed about presence of Arsenic and other metals in the water making it harmful for irrigation and for human body. The committee has instructed CECB for collection of onsite water samples for analysis by EPA approved laboratory and submit the report during hearing meeting at Bilaspur. (PIC-08)



- 2.6 Visit of JPL Ash Dyke- It was reported in over sight committee visit on 17.03.2021 about leakage of fly ash slurry from ash dyke of M/s Jindal Power Limited. The committee had suggested M/s JPL to conduct study through a research organization of national repute to determine the stability of the existing ash dyke and take measures required to strengthen as needed. In order to take the status, the oversight committee once again visited the sight on 24<sup>th</sup> August 2021. Although spot shown by the officials of the JPL we could not observe leakage on that area from the dyke but we are not sure about other part of the dyke. The committee has directed M/S JPL to be present in hearing meeting at Bilaspur with stability report of ash dyke, relating to our earlier field visit directions. (PIC-09)



### 3. Field Visit of Gharghoda Area (25.08.2021)

3.1 Visit of sites used for disposal of fly ash in low lying area- Unscientific disposal of fly ash in low lying areas of Gharghoda is one the major issues taken in the case. The committee has visited few sites of fly ash dumping where proper strengthening and compaction of fly ash has not been ensured by M/s TRN Energy Pvt Limited resulting flow of fly ash in to adjoining fields and drains leading to River. The location of fly ash dumping exits in village



Bhengari, Nawapara, Tenda and Kantagdeeh. (PIC-10, 11, 12). Even on the side of State High way unscientific fly ash dump has been found, also adjoining fields have been covered under fly ash dump causing utility loss of those fields. Erosion of the land due to fly ash is clear. Fly ash dump adjoining to Forest and nalah in personal land of some villager have also been seen,

due to cracks and land break from various points water along with fly ash flowing from there is clear the dump is not in low lying area but is on plane ground by the sides of Bargad tree. No guide lines as prescribed since 1999 have been followed. On earlier visit in March 2021 committee found that TRN power has created an ash dump outside its ash dyke in the village Nawapara Tenda. The top of Dump was at least 10 feet above the ground level. It was also observed that because of breaking of mud wall fly ash was flowing into adjoined field. To prevent the same no remedial measures has been taken by the PP. On current visit dated 25-08-2021 we find that some of the fields have become useless, in agricultural field flowing of fly ash was found. On road side we could see the flowing of fly ash in heavy quantity. A pretty big area has been covered under flowing of fly ash from this Dump.

The committee has visited newly constructed ash dyke near the power plant in Nawapara and observed flow of water along with side of ash dyke leading in the fields of farmers. The chairman of the committee has instructed for collection of water samples and submit analysis report during hearing in matter at Bilaspur. The committee has also witnessed the breaching and damage, Fly ash flying over the ash dyke has also been seen. It appears that there is no system operating to keep the fly

ash in wet condition. Construction also does not appear to be scientific. Adjoining to this dyke there is village, naturally fly ash flying will damage the environment.

### 3.2 Visit of Sites of Ash Disposal by M/s Mahaveer Energy & Coal Benefication-

M/s Mahaveer Energy & Coal Benefication Limited is Bio-mass based 12 MW power plant located in village Bhengari. The industry generates fly ash by burning of rice husk with coal and use to dump it unscientifically in village Bhengari. The committee has visited dumping sites on 25<sup>th</sup> August 2021 and found fly ash dumping in Bhengari village and also in the plant



premises. (PIC-13 & 14) The unscientific disposal of fly ash leads air borne during summer season and washed out during rainy season leading towards surface water body. Near a temple there was a fly ash dump adjoining to Forest and River, due to erosion

from various points' water along with fly ash flowing from there is clear. No guide lines as prescribed since 1999 have been followed.

As per report of committee dated 11-10-2019 it has been found that M/S Mahaveer Energy is indulging in extensive and irresponsible disposal of fly ash in village Bhengari. In that report Fig. 3 Extent of fly ash dumping in agricultural land in Bhengari Village close to Bhengari Nala and Fig. 4. 40 feet height fly ash dump by M/s Mahaveer Energy in Bhengari village (in the name of low lying areas dump). On recent visit on 25-08-2021 we saw the spot (Fig.4 of that report) and found that earlier reporting still continues. We also saw evidence of flowing fly ash from upper portion to lower portion. On 15-17 March visit it has been noted that Mahaveer Energy has created an ash dump behind its premises the top of dump is at least 10 feet height above the ground level and does not confirm to the SOP for dumping in low lying area, even there is no proper retaining wall around the dump creating a public hazard. In present visit we still found the Dump present in open sky flying in environment. No representative of the industry was present hence Regional Officer, Chhattisgarh Environment Conservation Board, Raigarh was instructed to inform the unit for coming in hearing at Bilaspur with necessary documents.

3.3 Visit of Fluoride contaminated village- Saraitola, Tamnar- The applicant has informed about fluoride contamination in ground water in village Saraitola, District-Raigarh. The committee has accepted her request and visited village Saraitola which was found far away from core coal mining area. The Chairman of the Oversight Committee has instructed Regional Officer Chhattisgarh Environment Conservation Board, Raigarh to collect the ground water sample and get it analyzed for Fluoride from EPA certified laboratory and submit the report. Ground water sample was collected from house bore well of Sh. Muridhar Rathia, Village Saraitola. (PIC-15) The committee has also instructed Regional Officer Chhattisgarh Environment Conservation Board, Raigarh to call concerned officer from PHED to be present in meeting on 26<sup>th</sup> August 2021 at Circuit house, Raigarh.



#### 4. Review Meeting of Committee (26.08.2021)-

The status of implementation of short term and long term action plan as per field observation was discussed in the meeting and compliance are as under-

##### 1. Part-A Short term Action Plan:-

- (1) Whether CECB amended the consent conditions of all TPP and Coal mines. **(Action by CECB)** ✓

*CECB has amended the consent conditions accordingly and submitted copy of the CTO issued to M/s Ambuja Cement Limited GP IV/8 and M/s Chhattisgarh State Power Generation Company Limited, GP Sector –III for satisfaction to committee.*

- (2) Whether SECL Chaal (OC), Monet Ispat, HINDALCO Limited, M/s Ambuja Cement are accepting fly ash for disposal through OB and back filling. **(Action by CECB)**

*Not accepting the fly ash, CECB has asked to obtain permission from DGMS for fly ash backfilling on or before 31<sup>st</sup> August 2021.*

- (3) Whether CECB constituted State level Committee to decide the mode and quantity of fly ash to be disposed in working/abandoned mines/ Quarries in the State. **(Action by CECB)**

*CECB has submitted office order about constitution of state level committee comprising administrative members from Chhattisgarh Government designating MS CECB as member convener. Hence it has been decided to hear the view of State Level Committee on disposal of legacy fly ash in the state through its member convener on 16.09.2021 at 4.00 PM.*

- (4) Whether as per precondition of SOP Power plant/land owner / agency have obtained statutory permission from regulatory authority SPCB. **(Action by CECB)**

No

- (5) Whether CECB has submitted list of the location of low lying areas being used or earlier used for unscientific disposal of fly ash for which permission has been granted by local administration after getting NOC from CECB. **(Action by CECB and DC Raigarh- All gram sarpanch of the area in question may be called in stake holder meeting)**

*CECB has provided list of locations of low lying areas used for unscientific disposal of fly ash without any detail about permission granted by local administration after getting NOC from CECB.*

- (6) Whether Hindalco is providing tap water in villages Kondkel in co-ordination with PHED. **(Action by Hindalco and PHED.)**

*Representatives of M/s HINDALCO and PHED were present during meeting on 23.08.2021 and field visit on 24.08.2021. The committee has observed that M/s HINDALCO is providing tap water in village Kondkhel, hence PHED has been directed to regularly monitor quality of drinking water provided by M/s HINDALCO.*

- (7) Whether information has been collected regarding water recharge provided by coal mines while obtaining NOC from Central Ground Water authority. **(Action by CECB- Request has been sent to Regional Director, Central Ground Water Board (CGWB), Raipur on 18.06.2021. Response from CGWB is awaited. RD, CGWB, Raipur may be asked to be present in the meeting of committee with stakeholders.)**

*Representative of CGWB, Raipur Sh. Srinath Scientist "B" was present during meeting on 23.08.2021 and assured the committee to provide the required document in the 1<sup>st</sup> week of September 2021.*

- (8) Whether CCTV has been installed by M/s HINDLCO Industries, SECL Gare Palma IV/2 & 3, SECL Chaal, SECL, Gare Palma IV/1. **(Action by CECB- CCTV installed in all mine except Gare Palma IV/1 which is not in production as on date)**

*Accepted as complied based on the observation of the committee during field visit.*

- (9) Whether CAAQMS has been installed in all coal mines having its connectivity with CPCB/CECB servers. **(Action by CECB- CAAQMS purchase order placed by CECB)**

*Not complied as on date of visit of the committee.*

- (10) Whether IRCON has completed work, 14 KM rail line from Gharghoda- Bhalumunda-Gare Palma and 5 number of coal siding in Tamnar and Gharghoda area. **(Action by IRCON and physical verification by CECB)**

*The representative from IRCON International Limited present in the meeting on 23.08.2021 has informed extension of target date up to December 2021. The committee has asked M/s IRCON International Limited to submit the statement in writing.*

- (11) Whether proper repair and maintenance of Road have been done inside and outside the mine area by PWD and mining companies. **(Action by PWD for outside mining area)**

*EE ,PWD, Raigarh has attended the meeting of Oversight committee on 26.08.2021 and informed that proposal was submitted before one week and nothing was found on ground level. The committee has instructed the EE, PWD, Raigarh to submit action plan with pert chart endorsed by PS, PWD Chhattisgarh Government for completion of said roads by 5<sup>th</sup> September 2021.*

- (12) Whether proper and free health facilities with multispecialty treatment system have been provided in all coal mine adjacent villages. **(Action by DC Raigarh-Organization of health camps have been started.)**

Free medical health facility was to be provided by State Government to villagers residing near to coal mining area. In this context it was informed that State Government has organized health check camp in August 2021 in all coal mine adjacent villages but applicants present in meeting on 23.08.2021 had reported it insufficient as it is not regularly organized. Hon'ble NGT in its order has given liberty to PS, Health, Chhattisgarh for issuing necessary directions to stake holders for providing essential health facility in all coal mine adjacent villages.

District Medical Health Officer of Raigarh has attended the meeting and submitted details of PHC & SHC of Tamnar and Gharghoda area. He could not provide number of medical officer and paramedical staff presently working in these PHCs and CHCs. On meeting dated 26-08-2021 Medical officer present was directed to furnish the names of medical and paramedical staff working in these area and to furnish details of various medical treatment schemes issued by State / Union applicable in this area and to file documents in support of compliance of Hon'ble NGT's order.

- (13) Whether MoEF & CC has submitted compiled response received from coal mines relating to Green Belt developments as per EC conditions. **(Action by MoEF&CC Nagpur)**

*Member from MoEF&CC, IOR, Raipur has asked for time and assured to submit it in the meeting during 14-16<sup>th</sup> September 2021.*

- (14) Whether after September 2020 any UG mines has been converted to OC coalmines. **(Action by MoEF&CC Nagpur)**

*Member from MoEF&CC, IOR, Raipur has asked for time and assured to submit it in the meeting during 14-16<sup>th</sup> September 2021.*

- (15) What progress has been made for commissioning a detailed and Comprehensive environmental load carrying capacity study **(Action by CECB- Offer called from NEERI. 1<sup>st</sup> round of technical meeting held on 02.08.2021)**

*No progress reported by CECB.*

- (16) Whether in 2020-21 total transportation of coal to TPP have been made by coal mines through Rail or closed conveyor belt. **(Action by All Coal Mine – follow up by CECB)**

*No*

- (17) Whether strict monitoring and follow up action by MoEF & CC for green belt development compliance has been made, if so, its result. **(Action by MoEF&CC, Nagpur)**

*Member from MoEF&CC, IOR, Raipur has asked for time and assured to submit it in the meeting during 14-16<sup>th</sup> September 2021..*

- (18) Whether CMD SECL issued any permission for utilization of abandoned mines for disposal of fly ash. **( Action by SECL- Yes copy of the letter to be provided by CECB)**

*CECB vide its letter number 318 dated 10.05.2021 has made allotment of fly ash disposal in void of Domnara OC mine (Abandoned) of Raigarh area as below-*

| S.N. | Name of Thermal Power Plant                     | Allotted Quantity in M <sup>3</sup> |
|------|-------------------------------------------------|-------------------------------------|
| 01   | M/s D B Limited, District- Janjgir Chanpa       | 20890.69                            |
| 02   | M/s S.K.S. Power Generation, Daramuda, Raigarh  | 10445.34                            |
| 03   | M/s TRN Energy Pvt. Ltd, Nawapara, Raigarh      | 10445.34                            |
| 04   | M/s SSP Steel & Power Limited, Jamgaon, Raigarh | 765.99                              |
| 05   | M/s Singhal Enterprises, Taraimal, Raigarh      | 452.63                              |

- (19) Whether complete supply of coal from Palma IV/2&3(SECL) have been made to JPL and JSPL through existing closed conveyor belt in 2019 -20 and 2020-21.**(Action by CECB:CECB earlier has given the quantity of supply in 2019 -20 and 2020-21.)**

CECB has to report the production and supply through conveyor belt to ascertain the complete supply.

## 2. PART-B Long term Action Plan:-

**Hon'ble NGT has directed that the Oversight Committee may make assessment of compensation for the violations on the basis of which the statutory State Board may take further action, following due process of law.**

- (1) Whether JSPL cleaned up the unauthorized dump. Whether JSPL complied the process of covering of fly ash with overburden /sweet soil and ensured daily watering or covering up the fly ash during back filling process. ( GP IV/I) **(Action by CECB-reported complied on 23.06.21)**

*CECB reported that direction issued to JSPL has been complied and the same was also observed by the committee during its visit on 24.08.2021. PIC- 16*



Whether JPL cleaned up the unauthorized dump and disposed the fly ash in the mine void through the back filling process (GP IV /2-3) **(Action by CECB- reported complied on 23.06.21)**

*CECB reported that direction issued to JPL has been complied and the same was also observed by the committee during its visit on 24.08.2021. PIC-17*



- (2) Whether directions issued seeing condition of leakage of fly ash dyke IIA and IIB of JSPL have been complied with or not. **(Action by CECB- Dyke Stability report submitted)**

*CECB reported that direction issued to JPL has been complied. In order to take the status, the oversight committee once again visited the sight on 24<sup>th</sup> August 2021.*

*Although spot shown by the officials of the JPL we could not observe leakage on that area from the dyke but we are not sure about other part of the dyke. The committee has directed M/S JPL to be present in hearing meeting at Bilaspur with stability report of ash dyke, relating to our earlier field visit directions along with detail technical report about mode of repairing of leakage.*

- (3) TRN power has created an ash dump violating EC conditions outside its ash dyke in the village Nawapara Tenda. There are physical evidences for breaching of mud wall leading to fly ash flowing into adjoined field even situation to fly ash into neighboring habitants. Whether further dumping is continuing, whether regular watering is done in mud dyke. Whether fly ash dumping caused injury to any person or any property. Whether fly ash dump was in his own land or in the land of others. **(Action by CECB- reported not complied on 23.06.21)**

*See current field visit details. The industry has been provided opportunity of hearing during 14-16<sup>th</sup> September 2021 at Bilaspur.*

- (4) Mahaveer Bio Energy has created an ash dump behind its premises in violating the SOP and EC even creating a public hazard. Whether dump has been made in private land of villagers, whether improper dumping has been removed. **(Action by CECB-compliance awaited)**

*See current field visit details. The industry has been provided opportunity of hearing during 14-16<sup>th</sup> September 2021 at Bilaspur.*

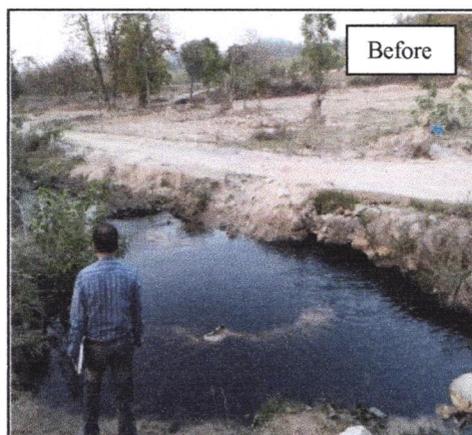
- (5) Whether to save hazard from fire which took place in Gare Palma IV /2-3 (SECL), SECL arrested all fire within 500 m of Kusumpalli and Sarasmal Village. **(Action by- SECL & DGMS- Report is awaited.)**

*Issues regarding raging fire in the Gare IV/2 and IV/3 is a part of OA No. 200/2018 (MA No. 615/2018) Dukalu Ram Vs Union of India in which CPCB has imposed Environmental Compensation on SECL and is under stay in Hon'ble Supreme Court of India.*

*During visit in one place we saw little smoke, member MoEF & CC stated that the same is result of extinguishing of fire.*

- (6) M/s Hindalco Industries Ltd. violating EC condition have drained untreated water at Gare Palma IV/4 in to a drain leading to agriculture field, whether still continuous, it caused any damage to agricultural field. Whether any other way out has been made by the industry. **(Action by CECB)**

*CECB reported that direction issued to HINDALCO has been complied and industry is now providing treated water only through drain for irrigation. PIC 18 (After)*



- (7) Whether OB dump by CSPGCE mine at Gare Palma sector 3 on both sides of public road was according to mining plan, if not what action has been taken by CECB and MoFF & CC. Whether any one suffered any loss from dump. **(Action by- CECB and MoEF&CC Nagpur)**

*See details of visit .To be heard on environment compensation hearing during 14-17 Sept 2021.*

- (8) *M/s Ambuja Cement Limited in adjoining area. Has also been visited by the committee on 24.08.2021.*

*See details of visit. To be heard on environment compensation hearing during 14-17 Sept 2021.*

### **1. PART-C Agenda for Hearing during 14-17<sup>th</sup> September 2021 at Bilaspur-**

In order to summaries the non-compliances, damage caused, feasible remedies and assessment of compensation, the committee has decided to conduct the hearing meeting at Bilaspur during 14-17<sup>th</sup> September 2021.

- (1) To collect applications from claimant for damage reimbursement by 10<sup>th</sup> September 2021, to give copy to other party and inform each of them to be present in hearing during 14-

16<sup>th</sup> September 2021 (on any date) at Bilaspur. (Action By-CECB)

- (2) All stakeholders and concerned departments are to be informed accordingly to take the opportunity of hearing on assessment of environmental compensation before Oversight Committee. (Action By-CECB)
- (3) CECB, RO, Raigarh shall inform Member Secretary, CECB to join committee meeting on 16.09.2021 at 4.00 PM on behalf of State Level Committee for management of Fly ash in Chhattisgarh.
- (4) Deputy Collector (DC) Raigarh will instruct concerned Patwaries of the area to be present in hearing with all related revenue documents required for agriculture damage assessment.
- (5) Submission of water testing report for samples collected during field visit to decide related issues.

The meeting ended with thanks to Chairman.



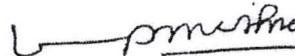
(Shri. S.K. Verma)  
Regional Officer, CECB, Raigarh



(Sh. P. K. Gupta)  
Deputy Collector Raigarh



(Dr. Bhardwaj Adiraju)  
Scientist 'C' MoEF&CC  
IRO- Raipur



(Dr. R. P. Mishra)  
Scientist "D" CPCB, Bhopal



(Dr. P.R. Pujari)  
Senior Principal Scientist,  
NEERI, Nagpur



(Justice V. K. Shrivastava )  
(Chairman)

26.10.2021

16<sup>th</sup> September 2021(on any date) at Bilaspur. (Action By-CECB)

- (2) All stakeholders and concerned departments are to be informed accordingly to take the opportunity of hearing on assessment of environmental compensation before Oversight Committee. (Action By-CECB)
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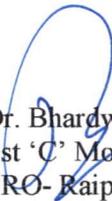
The meeting ended with thanks to Chairman.



(Shri. S.K.Verma)  
Regional Officer, CECB, Raigarh



(Sh. P. K. Gupta)  
Deputy Collector Raigarh

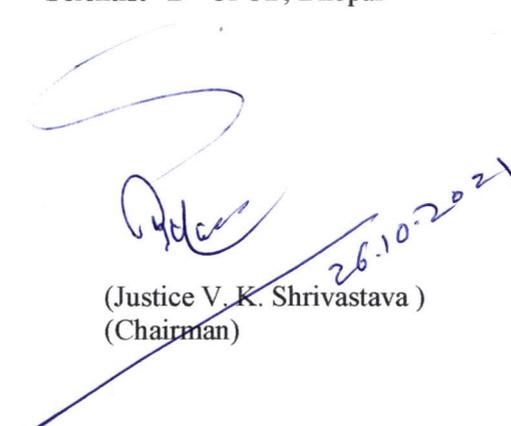


(Dr. Bhardwaj Adiraju)  
Scientist 'C' MoEF&CC  
IRO- Raipur



(Dr. R. P. Mishra)  
Scientist "D" CPCB, Bhopal

(Dr. P.R. Pujari)  
Senior Principal Scientist,  
NEERI, Nagpur



26.10.2021

(Justice V. K. Shrivastava )  
(Chairman)

3<sup>rd</sup> Meeting  
Date-14<sup>th</sup> – 17<sup>th</sup> September 2021

### **Minutes of the meeting of Oversight Committee**

#### **OA No. 104/2018 Shivpal Bhagat & Ors.Vs Union of India & Ors.**

In accordance with decision taken in 2<sup>nd</sup> meeting held on 26<sup>th</sup> August 2021 at Raigarh, about providing opportunity of hearing to stakeholders, villagers and farmers, 3<sup>rd</sup> meeting was conducted during 14<sup>th</sup> – 17<sup>th</sup> September 2021 at Bilaspur. Sh. Sharach chandra Lele, ATREE, Bengaluru could not attend the meeting due to his prior engagements, which he could not shift. The meeting was attended by members as under-

1. Justice V. K. Shrivastava, Chairman
2. Dr.Paras Ranjan Pujari, Senior Principal Scientist, NEERI, Nagpur
3. Dr.R.P.Mishra, Scientist 'D' Central Pollution Control Board, Bhopal
4. Dr. Bhardwaj Adiraju Scientist 'C' MoEF & CC, IRO Raipur
5. Sh.P. K.Gupta, Dy.Collector, Raigarh
6. Sh. S. K. Verma, Regional Officer, CECB, Raigarh

Hearing on environmental compensation and for non compliance observed during field visit dated 24-08-2021 and 25-08-2021 and matters connected there to, the committee has called the stakeholder to hear about the non-compliances observed during field visit of 24-08-2021 and 25-08-2021 and given the opportunity for explanation based on documents/ facts. The villager and farmers were also given opportunity to be heard on their claims of damage. Also afforded opportunity to concerned departments. The concerned departments of Chhattisgarh Government have been instructed to be present in hearing meeting for discussion on constraints and solution with role & involvement of authorities from State Government. PS Health or any of his representatives has not attended the meeting; however Chief Engineer PWD B/R Bilaspur Chhattisgarh attended the meeting accompanied with EE PWD Raigarh on 16<sup>th</sup> September 2021.

## 1. Proceedings of 1<sup>st</sup> day hearing (14<sup>th</sup> September 2021)-

### 1.1 Chhattisgarh State Power Generation Company Limited Coal Mines (Gare Pelma Sector –III) -

The field visit of oversight committee dated 17.03.2021 has observed dumping of OB on both sides of public road. In accordance with recommendation of the report mine site was visited on 24.08.2021 by Chairman and members of the new committee. During visit it was found that OB Dump has been made on both sides of road even in some places adjacent to road. This public road is within the mining area and as stated and shown by companies officer present there, as per mining plan road is to be diverted. For OB dump use of 25% of fly ash is compulsory but lessee did not comply the directions of notification 2009. For mining operation roads with the mines area is to be constructed by the lessee and lessee has to divert public roads, at his own cost to facilitate scientific mining. We saw a number of coal loaded trucks passing through this road and also this road is under use of the lessee. Condition of the road is bad. The mine authorities were present in hearing meeting with approved mining plan/ copy of EC/ permission from DGMS and CTE / CTO issued by Chhattisgarh Environment Conservation Board, Raipur.

The representatives of CSPGCE presented the mining plan in which location of the OB dump is sited on the same place subject to diversion of PWD road passing between lease areas. They stated that CSPGCE has deposited required amount with PWD, Raigarh for diversion of the road. There is no material to know whether PWD is diverting the road or not and if they intend to divert the road, by which time they may start and complete the diversion. Hence storage of OB dump near to public road may create danger to public passing through the road. In this context committee was in opinion that CSPGCE shall maintain minimum distance of 50 meters on both side the road and provide physical barrier all along the road in lease area to protect the public interest from accident as well as fugitive

emission. CSPGCE shall also provide adequate garland drain along with OB dump with sufficient number of settling ponds. CSPGCE shall obtain necessary permission from DGMS and CECB and see that as per notification 2009 utilization of 25% of fly ash OB dump shall be followed.

The mine authorities has accepted the suggestion and assured for construction of physical barrier of steel sheet mounted on iron structure up to a height of minimum 3m at 50m distance from road on both side of road along full road length in leased area. The said construction has to be completed on or before 30<sup>th</sup> November 2021. The mine authority shall also maintain PWD road to a length falling in their mining lease area.

CECB is to issue direction to CSPGCE for the same.

Guidelines/ direction violated by the Coal Mine bring it under four corners for payment of Environmental compensation.

✓ **1.2 M/s Ambuja Cement Limited Coal Mines (Gare Pelma Sector –IV/8) -**

The field visit of oversight committee dated 17.03.2021 has observed dumping of OB on both sides of public road. In accordance with recommendation of the report mine site was visited on 24.08.2021 by Chairman and members of the new committee. During visit it was found that OB dump was located very near to road side which was creating danger to public and transport moving on road. The mine authorities were present in hearing meeting on 14<sup>th</sup> September 2021 at Bilaspur with approved mining plan/ copy of EC/ permission from DGMS and CTE / CTO issued by Chhattisgarh Environment Conservation Board, Raipur.

The representatives of M/s Ambuja Cement Limited presented the mining plan in which location of the OB dump is sited at distance of minimum 45m from road side subject to diversion of PWD road passing between lease areas. Officials of M/s Ambuja Cement Limited stated that they have deposited required amount with PWD, Raigarh for diversion of the road but there is no material to know whether PWD is diverting the road or not and if they intend to divert the road, by which time they may start

and complete the diversion . Hence storage of OB dump near to public road may create danger to public passing through the road. In this context committee was in opinion that M/s Ambuja Cement Limited shall maintain minimum distance of 50 meters on both side the road and provide physical barrier all along the road in lease area to protect the public interest from accident as well as fugitive emission. M/s Ambuja Cement Limited shall also provide adequate garland drain along with OB dump with sufficient number of settling ponds. M/s Ambuja Cement Limited shall obtain necessary permission from DGMS and CECB and see that as per notification 2009 utilization of 25% of fly ash in OB dump shall be followed.

The mine authorities has accepted the suggestion and assured for construction of physical barrier of steel sheet mounted on iron structure up to a height of minimum 3m at 50m distance form road on both side of road along full road length in leased area. The said construction has to be completed on or before 30<sup>th</sup> November 2021. The mine authority shall also maintain PWD road to a length falling in their mining lease area.

CECB is to issue direction to M/s Ambuja Cement Limited for the same.

Guidelines/ direction violated by the Coal Mine bring it under four corners for payment of Environmental compensation.

✓ 2. **Proceedings of 2<sup>nd</sup> day hearing (15<sup>th</sup> September 2021)-**

2.1 M/s TRN Energy Private Limited, Nawapara, Raigarh-

M/s TRN Energy Private Limited (2x300MW) thermal power plant is located in village Bhengari, Nawapara (Tenda), Gharghoda, Raigarh. The plant started its commercial production in 2016 with an average generation of fly ash 4000 MT per day. The thermal power has generated approximately 28,79,126 MT fly ash during January 2016 to March 2021, out of which 58% (16,65,007MT) has been disposed in low lying area of village Chote Gumda, Bade Gumda, Nawapara, Tenda and Baansmuda. As per detail submitted by the TPP the area used for disposal of fly ash is approximately 17.378 Hectare.

TRN power has created an ash dump violating EC conditions outside its ash dyke in the village Nawapara Tenda. There are physical evidences for breaching of mudwall leading to fly ash flowing into adjoining field even situation to fly ash into neighboring habitans. Whether further dumping is continuing, whether regular watering is done in mud dyke. Whether fly ash dumping caused injury to any person or any property? Whether fly ash dump was in his own land or in the land of others. **(Action by CECB-reported not complied on 23.06.21)**

**Reply submitted during hearing was not found satisfactory, hence not complied**

On field visit on 24-25.08.2021 we have seen that by the side of State High way unscientific fly ash dump has been found , also adjoining fields have been covered under fly ash dump causing utility loss of those fields. Erosion of the land due to fly ash is clear. Another fly ash dump adjoining to Forest and nalah in personal land of some villager have been seen, due to cracks and land break /erosion from various points water along with fly ash flowing from there is clear the dump is not in low lying area but is on plane ground by the sides of Bargad tree. No guide lines as prescribed since 1999 have been followed. On earlier visit in March 2021 committee found that TRN power has created an ash dump outside its ash dyke in the village Nawapara Tenda .The top of Dump was atleast 10 feet above the ground level. It was also observed that because of breaking of mud wall fly ash was flowing into adjoining field. To prevent the same no remedial measures has been taken by the PP. On current visit dated 25-08-2021 we find that some of the fields have become useless, in agricultural field flowing of fly ash was found. On road side flow we could see the flowing of flyash in heavy quantity. A pretty big area has been covered under flowing of fly ash from this Dump.

Representative from TRN admits all these OB dumps and contended that after obtaining the permission from land owner and Gram Panchayat Fly ash dump have been made .

Although they brought some papers and made attempt to show that they have not violated the Environmental conditions. But could not produce permission / consent of State Pollution Control Board. The thermal power plant has also submitted copy of study report conducted in 2018 by ISM Dhanbad which

recommends about no metal contamination in ground water due to leaching from fly ash disposed in low lying area.

Ministry of Environment and Forests Notification No. S.O. 763 (E) dated 14th September 1999 only permits for reclamation and compaction of fly ash in low lying area in accordance with specifications and guidelines laid down by the authorities as mentioned in clause 3 of that notification. None of the notifications or guidelines gives liberty to loose disposal of fly ash that's too above ground level.

In compliance of Hon'ble NGT, Principal Bench order dated 12.02.2020 in OA No.117/2014, CPCB has computed the amount of Environment Compensation for individual TPPs for non-utilization of 100% fly ash in year 2018 (2018-19) and 2019 (2019-20) respectively. M/s TRN Energy Private Limited, Nawapara is also included in that list for Environmental Compensation of Rs. 1,48,80488 on which Hon'ble Supreme Court vide its order dated 04.11.2019 has directed deferment of the proceedings.

Chhattisgarh Environment Conservation Board has informed about issue of closure notice to the industry. TPP has submitted the reply of notice which is under consideration for decision. The representative of the industry have informed about construction of new ash dyke for which land has been acquired in 2017 and Environmental clearance obtained in year 2011.

Ash Dyke belonging to TRN Energy Ltd , on visit we find that at one place wall of the dyke is severely damaged and we apprehended that accident may took place, Shri R.P. Mishra inform the facts for repairs forthwith so as to avoid any unfortunate event. Underground water discharge from dyke is there and the discharged water is flowing to agriculture field. Water samples have been collected. Fly ash flying over the ash dyke has also been seen. Even some of the persons seen roaming over the dried fly ash lying in the dyke. It appears that there is no recycle water system operating. Construction does not appears to be scientific.

Representatives of TRN does not dispute the damage but they contended that Railway has made dump of the soil in their outer wall and that dump has been eroded due to rain but could not show any evidence to support his contentions. They also stated that as per original permission accorded by MoEF&CC they have constructed this second Ash dyke and for perusal shown the permission letter. In this permission letter there is no sanction of more than one ash dyke even as per deliberation it could come to know that first ash dyke is inside the Plant and this ash dyke has been made outside the plant .Whether ash dyke should have been built in the vicinity of habitants, to reply this question they could not able to show any legal authority or any permission. So far as water discharge is concerned they stated that this water discharge belongs to Railway.

For non compliance of the environmental standard/ violations of legal direction for which there is no rebuttal on the other hand has been open and as disclosed above is proved . TRN is liable for environmental compensation.

## 2.2 M/s Mahaveer Energy & Coal Benification Limited -

M/s Mahaveer Energy & Coal Benification Limited is Biomass based 12MW Thermal Power Plant located in Village Bhengari, Gharghoda, Raigarh. The plant started its commercial production in 2014 with an average generation of fly ash 20000 MT per annum. The thermal power has generated approximately 139839 MT fly ash during April 2014 to March 2021, out of which 0.04% (56 MT) has been disposed in low lying area of village Bhengari. The industry during hearing has submitted documents related with agreement for fly ash use by Sh. Saroj Kumar S/o Sh. Prabhakar Kumar in Brick manufacturing. This agreement was done on 04.12.20 indicating that fly ash generated before 04.12.2020 have been disposed in low lying area. The industry has also provided copy of revenue records in support of ownership of the land. Ministry of Environment and Forests Notification No. S.O. 763 (E) dated 14th September 1999 only permits for reclamation and compaction of fly ash in low lying area in accordance with specifications and guidelines laid down by the authorities as mentioned in clause 3 of that notification. None of the notifications or guidelines gives liberty to loose disposal of fly ash that's too above ground level. No consent has been obtained from CECB.

The above said notification only permits for reclamation and compaction of fly ash in low lying area but do not give liberty to loose disposal of fly ash that's too above ground level. The oversight committee during its visit has observed heaps of disposed fly ash giving its way to become air borne or flow with rain water in drain leading to surface water contamination.

In compliance of Hon'ble NGT, Principal Bench order dated 12.02.2020 in OA No.117/2014, CPCB has computed the amount of Environment Compensation for individual TPPs for non-utilization of 100% fly ash in year 2018 (2018-19) and 2019 (2019-20) respectively. M/s Mahaveer Energy & Coal Benification Limited is not included in that list for Environmental Compensation because the industry has submitted report of 100% utilization in manufacturing of fly ash brick to Chhattisgarh Environment Conservation Board which seems to be misleading information given to statutory authority.

Mahaveer Bio Energy has created an ash dump behind its premises in violating the SOP and EC even creating a public hazard. Whether dump has been made in private land of villagers? Whether improper dumping has been removed ? **(Action by CECB-compliance awaited)**

**Reply submitted during hearing was not found satisfactory, hence not complied**

On field visit dated 25-08-2021 we found near a temple there was a fly ash dump adjoining to Forest and River, due to erosion from various points water along with fly ash flowing from there is clear the dump is not in low lying area but is on plane ground and as per persons gathered there the land is govt. land recorded as ""Chote Jhad Ka Jungle". No guidelines as prescribed since 1999 have been followed. As per report of committee dated 11-10-2019 it has been found that M/S Mahaveer Energy is indulging in extensive and irresponsible disposal of fly ash in village Bhengari. In that report Fig. 3 Éxtent of fly ash dumping in agricultural land in Bhengari Village close to Bhengari Nala and Fig. 4. 40 feet height fly ash dumps by M/s Mahaveer Energy in Bhengari village (in the name of low lying areas dump). On recent visit on 25-08-2021 we saw the spot (Fig.4 of that report) and found that earlier reporting still continues. We

also saw evidence of flowing fly ash from upper portion to lower portion. On 15-17 March visit it has been noted that Mahaveer Energy has created an ash dump behind its premises the top of dump is atleast 10 feet height above the ground level and does not confirm to the SOP for dumping in low lying area, even there is no proper retaining wall around the dump creating a public hazard. In present visit we still found the Dump present in open sky flying ash in environment.

Representative from Mahaveer Bio Energy to defend their action have accepted all those dump but their contention is that because of demand of Mandir Samiti, dump near Mandir has been made, other dump are in their own land, they are using fly ash in making the bricks under their own kiln and also providing fly ash to other kiln holder but to support he could not produce land owner ship in his name or other documents regarding actual use of fly ash in making the bricks.

For non compliance of the environmental standard/ violations of legal direction for which there is no rebuttal on the other hand has been open and as disclosed above is proved. M/s Mahaveer Energy & Coal Benefication Limited is liable for environmental compensation.

### 2.3 M/s Jindal Power Limited, Tamnar, Raigarh-

It was reported in over sight committee visit on 17.03.2021 about leakage of fly ash slurry from ash dyke of M/s Jindal Power Limited. The committee had suggested M/s JPL to conduct study through a research organization of national repute to determine the stability of the existing ash dyke and take measures required to strengthen as needed. In order to take the status, the oversight committee once again visited the site on 24<sup>th</sup> August 2021. Although spot shown by the officials of the JPL we could not observe leakage on that area from the dyke but we are not sure about other part of the dyke. The committee has discussed in details about process adopted for repair of the leakage and directed M/s JPL to submit the authentic report about strength of repairing undertaken and the stability report of the existing ash dyke from research organization of national repute on or before 30-11-2021.

2.4 M/s Jindal Steel Power Limited, Dongramau, Tamnar, Raigarh-

The captive power plant of M/s Jindal Steel & Power Limited, Dongramau has permission for disposal of its fly ash in Gare Palma IV/01 open cast mines. During visit of the committee on 24<sup>th</sup> August 2021 it was observed that fly ash mixed with OB being disposed near drain/ Nala (a watercourse) passing in mining lease area. The distance between disposal site and drain seems to be less than 500m and during rainy season fly ash may take a way to River Kelo through drain/ Nala (a watercourse). The issue has been considered as negligence in selection of site and M/s JSPL has been directed to shift the same on or before 30.11.2021.

**3.0 Proceedings of 3<sup>rd</sup> day hearing (16<sup>th</sup> September 2021)-**

Intimation was sent to PS Health and PS PWD Chhattisgarh Government to join the committee meeting on 16<sup>th</sup> September 2021 for hearing about progress/ constraint observed in delivering the target defined in action plan submitted to Hon'ble NGT. PS Health Chhattisgarh Government could not ensure his presence in person/representative in the meeting. However Chief Engineer, Bilaspur and Executive Engineer Raigarh of PWD attended the meeting and briefed the progress as under-

1. An amount of Rs.6274.33 Laks is sanctioned on 08.09.2021 for 27.50 km CC road from Punjipatra to Tamnar.
2. Approval granted on 23.02.2021 for an amount of 2032.95 Lakhs for renovation work of 13.40 km road from Raigarh to Gharghoda.
3. Approval granted on 08.09.2021 for an amount of 1797.25 Lakhs for renovation & Strengthening work of 10 km road from Chaal to Gharghoda.
4. So far as patch repair work is concerned, no documents or material could be produced even otherwise we could not see any repair work going on, on the roads.

All above sanctions and approvals are subject to acquirement of land, Release of Loan and two years' time for completion. Till date there is no progress regarding acquisition of land, sanction of loan, etc. All these facts itself shows that matter has not been given any seriousness or to say in near future the road is not going to be made. The committee is not satisfied with submission.

Matter to be considered for imposition of environmental compensation.

Hearing to Health Department

Health Department did not furnish the information as called for from then in the last meeting. Earlier observations have also not been complied. Even Chief Secretary, Principle SEC. did not respond to Order dated 24-06-2021 passed by Hon'ble NGT therefore for environment compensation hearing, notice has been given to Department.

NEERI REPORT – Investigation of water sources(2018) and Study report on Health assessment and projection of health of people living in Tamnar Block, Raigarh by CMR- National Institute of Research in Tribal Health ( 2019-20) also exposes environmental health hazard. We have also seen that some of the area is FLORIDE affected.

None appeared. Presumptions would be that they are not taking any steps to protect health of inhabitant from health hazard caused by air / water pollution/ breach of environment condition. There is no material which may defend Health Departments liability for environmental compensation.

Matter to be considered for imposition of environmental compensation.

Member Secretary, Chhattisgarh Environment Conservation Board has represented the monitoring committee constituted by Chhattisgarh Government to monitor the utilization of Fly ash in accordance to MoEF&CC notification SO 2804 (E) dated 03.11.2009. The paragraph 07 of above said notification is as-

➤ Para number 07 "*No agency, person or organization shall within a*

*radius of hundred kilometers of a coal or lignite based thermal power plant undertake or approve or allow reclamation and compaction of low lying areas with soil; only fly ash shall be used for compaction and reclamation and they shall ensure that such reclamation and compaction is done in accordance with the specifications and guidelines laid down by the authorities mentioned in sub-paragraph (1) of paragraph 3”’.*

- Para number 8(i) – “ *No person or agency shall within fifty kilometers (by road) from coal or lignite based thermal power plants, under take or approve stowing of mine mines without using at least 25% of fly ash on weight to weight basis, of total stowing material used and this shall be done under the guidance of the Director General of Mines Safety (DGMS); provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee.*

Chhattisgarh Environment Conservation Board shall provide status of utilization of fly ash in coalmines located in Raigarh.

Chhattisgarh Environment Conservation Board could not provide any guidelines issued to ensure reclamation and compaction of fly ash disposed in low lying area and any policy frame work for utilization of legacy fly ash. It was under stood during hearing with Thermal Power Plants that TPPs have obtained NOC from concerned gram Panchayat and concurrence letter from land owner but SPCB has not provided any consent/ permission. The recommendation of oversight committee for constitution of State Level committee to oversee the status of implementation of SOP was in accordance with office memorandum of MoEF&CC dated 28<sup>th</sup> August 2019. Fly ash utilization reports of since last 10 years submitted by industries of Raigarh indicates utilization of fly ash. It is revealed from fly ash utilization data submitted by industries of Raigarh that few industries has disposed up to 95% of fly ash in low lying area. Unscientific disposal of fly ash in low area will keep on adding the quantum of legacy fly ash.

Member Secretary, CG Environment Conservation Board, Raipur, apprised us that State level committee has been constitute a long back and now has been reconstituted. They have taken the work of disposal of Fly ash. They also talk about MOU etc. and also about action taken against defaulting proponents.

Hearing to affected person for compensation against person or property.

We waited till 16<sup>th</sup> September but neither applicants nor any one of the claimant appeared to support their claim. Concerned Patwaris have been called who furnished relevant information.

As per damage claim submitted by villagers details of affected land as given by Patwari is as under-

| S.No.               | Name & address of claimant                                | Affected khasra No | Affected area Hectare |
|---------------------|-----------------------------------------------------------|--------------------|-----------------------|
| 01                  | Sh. Ghurauram Rathia<br>Nawapara                          | 381/01             | 0.076                 |
| 02                  | Sh. Harcharan Rathia & Sh.<br>Malik Ram Rathia Kantagdeeh | 09/01<br>09/02     | 4.411<br>1.895        |
| 03                  | Sh. Karam Singh Rathia                                    | 401/01             | 0.101                 |
| Total Affected area |                                                           |                    | 6.483                 |

All above claims are against TRN, but TRN neither filed any reply.

Matter to be considered for imposition of environmental compensation.

#### 4.0 Proceedings of 4<sup>th</sup> day hearing (17<sup>th</sup> September 2021)-

##### Review Meeting-

4.1 The applicants informed about presence of Arsenic and other metals in the pond water located in Sarasmal village making it harmful for irrigation. The

committee has instructed CECB for collection of onsite water samples for analysis by EPA approved laboratory. The analysis results obtained from M/s Ultimate Enviroytical Solutions (Recognized by MoEF&CC under EP Act 1986) is as under-

| Parameters (in mg/l)  | Location of the sample |                | Limit in mg/l<br>IS 10500:2012 |
|-----------------------|------------------------|----------------|--------------------------------|
|                       | Sample 01              | Sample 02      |                                |
| Total Solid           | 209.6                  | 108.8          |                                |
| Total Dissolved Solid | 190.8                  | 154            | 2000                           |
| Total Suspended Solid | 18.8                   | 26.8           |                                |
| Arsenic (as As)       | Not Detectable         | Not Detectable | 0.05                           |
| Zinc (as Zn)          | 0.382                  | 0.086          | 15                             |
| Nickel (as Ni)        | Not Detectable         | Not Detectable | 0.02                           |
| Copper (As Cu)        | Not Detectable         | Not Detectable | 1.5                            |
| Cobalt                | Not Detectable         | Not Detectable |                                |
| Magnesium (as Mg)     | 0.11                   | 0.08           | 100                            |

1. SECL Gare Palma IV/2&3 water from Agriculture field
2. SECL Gare Palma IV/2&3 water from Sarasmal Village

4.2 The applicant has informed about fluoride contamination inground water in village Saraitola, Tamnar, District- Raigarh. The committee has accepted the request and visited village Saraitola which was found far away from core coal mining area. The Chairman of the Oversight Committee has instructed Regional Officer Chhattisgarh Environment Conservation Board, Raigarh to collect the ground water sample and get it analyzed for Fluoride from EPA certified laboratory and submit the report. Ground water sample was collected from house bore well of Sh. Murlidhar Rathia, Village Saraitola. The analysis results obtained from M/s Ultimate Enviroytical

Solutions (Recognized by MoEF&CC under EP Act 1986) reveals concentration of fluoride 0.899 mg/l. The permissible limit fluoride in drinking water as per IS 10500 : 2012 is 1.5 mg/l. (Report is placed at Annexure-01)

4.3 In the visit of the committee water samples were also collected near fly ash dyke of M/s TRN Energy found going to agricultural field. The samples were got analyzed from M/s Ultimate Enviroltysical Solutions (Recognized by MoEF&CC under EP Act 1986) and results are as under-

| Parameters (in mg/l)  | Location of the sample |                | Limit in mg/l<br>IS 10500:2012 |
|-----------------------|------------------------|----------------|--------------------------------|
|                       | Sample 01              | Sample 02      |                                |
| Total Solid           | 417.7                  | 403.1          |                                |
| Total Dissolved Solid | 402.8                  | 394.5          | 2000                           |
| Total Suspended Solid | 14.6                   | 8.6            |                                |
| Arsenic (as As)       | Not Detectable         | Not Detectable | 0.05                           |
| Zinc (as Zn)          | 0.248                  | 0.23           | 15                             |
| Nickel (as Ni)        | Not Detectable         | Not Detectable | 0.02                           |
| Copper (As Cu)        | Not Detectable         | Not Detectable | 1.5                            |
| Cobalt                | Not Detectable         | Not Detectable |                                |
| Magnesium (as Mg)     | 0.23                   | 0.20           | 100                            |

1. Water sample from Ash dyke side
2. Water sample from Agriculture field side

4.4 The committee has also collected water samples from hand pump and tap water of Kondkhel village to assess the water quality being supplied by M/s Hindalco Limited to villagers. The samples were got analyzed from M/s Ultimate Enviroltysical Solutions (Recognized by MoEF&CC under EP Act

1986) and results are as under-

| Parameters (in mg/l)     | Location of the sample |                   | Limit in mg/l<br>IS 10500:2012 |
|--------------------------|------------------------|-------------------|--------------------------------|
|                          | Sample 01              | Sample 02         |                                |
| Total Solid              | 120.4                  | 501.6             |                                |
| Total Dissolved<br>Solid | 118.4                  | 496.8             | 2000                           |
| Total Suspended<br>Solid | 2.0                    | 4.8               |                                |
| Arsenic (as As)          | Not<br>Detectable      | Not<br>Detectable | 0.05                           |
| Zinc (as Zn)             | 0.221                  | 0.342             | 15                             |
| Nickel (as Ni)           | Not<br>Detectable      | Not<br>Detectable | 0.02                           |
| Copper (As Cu)           | Not<br>Detectable      | Not<br>Detectable | 1.5                            |
| Cobalt                   | Not<br>Detectable      | Not<br>Detectable |                                |
| Magnesium (as Mg)        | 0.14                   | 0.12              | 100                            |

1. Tap Water sample from Kondkhel village
2. Hand pump Water sample from Kondkhel village

4.4 The committee has visited mining area M/s Hindalco Industries Limited and observed water discharge in to drain leading to agriculture fields. The representative of the mine has informed that water being discharged is fully treated and provided for irrigation to villagers. The Chairman of the committee has instructed for collection of water sample to assess the water quality as per irrigation standard. The samples were got analyzed from M/s Ultimate Enviroytical Solutions (Recognized by MoEF&CC under EP Act 1986) and results are as under-

| Parameters (in mg/l)  | Location of the sample |                | Limit in mg/l<br>IS<br>10500:2012 |
|-----------------------|------------------------|----------------|-----------------------------------|
|                       | Sample 01              | Sample 02      |                                   |
| Total Solid           | 513.8                  | 163.4          |                                   |
| Total Dissolved Solid | 475.2                  | 157.2          | 2000                              |
| Total Suspended Solid | 38.6                   | 6.2            |                                   |
| Arsenic (as As)       | Not Detectable         | Not Detectable | 0.05                              |
| Zinc (as Zn)          | 0.428                  | 0.164          | 15                                |
| Nickel (as Ni)        | Not Detectable         | Not Detectable | 0.02                              |
| Copper (As Cu)        | Not Detectable         | Not Detectable | 1.5                               |
| Cobalt                | Not Detectable         | Not Detectable |                                   |
| Magnesium (as Mg)     | 0.38                   | 0.06           | 100                               |

1. Water sample from Dumernala, Banjhikhoh village
2. Mine Treated Water Sample from Kondkhel village

The status of implementation of short term and long term action plan as per field observation was discussed in the meeting and compliance are as under-

#### 1. Part-A Short term Action Plan:-

1. Whether MoEF&CC has submitted compiled response received from coalmines relating to Green Belt developments as per EC conditions. **(Action by MoEF&CC, Raipur)**

Strict vigilance by MOEF&CC for green belt development compliance as per EC conditions Industry wise green belt data is as follows:-

**A. M/s. Hindalco Industries Limited (Details as provided by the Project Proponent,**

(EC Specific Condition IV of Gare Palma IV/4 -Karanj should be deleted from the list of native species for plantation program. Environment Clearance Letter no. – J-11015/183/2010- IA –II. (M) Dated 16.04.2015)

(EC Specific Condition IV of Gare Palma IV/5 - A Green Belt of adequate width should be raised by planting the local species along the mine boundary, Waste rock dumps, ore stockpile, ventilation fan road and selected open areas in consultation with local DFO/ Agriculture Department. Density of tree should be at least 2500 plants per ha. Environment Clearance Letter no. – J-11015/8/1998- IA –II. (M) Dated 16.04.2015)

| Industry     | Project                         | Year wise    | Plantation area(Ha) | Plantation Done | Survival Rate (%) | No. of plants survived |
|--------------|---------------------------------|--------------|---------------------|-----------------|-------------------|------------------------|
| Hindalco     | Gare Palma IV/4 OCM (Custodian) | Upto 2015    | 18.0                | 53000           | 85.00             | 45050                  |
|              |                                 | 2016         | 2.3                 | 6500            | 90.00             | 5850                   |
|              |                                 | 2017         | 3.5                 | 10000           | 87.00             | 8700                   |
|              |                                 | 2018         | 1.7                 | 5000            | 87.00             | 4350                   |
|              |                                 | 2019         | 2.4                 | 6600            | 90.00             | 5940                   |
|              |                                 | 2020         | 3.9                 | 10200           | 93.83             | 9570                   |
|              |                                 | 2021         | 3.2                 | 8521            | 95.00             | 8094                   |
|              |                                 | <b>Total</b> | <b>35.0</b>         | <b>99821</b>    | <b>87.71</b>      | <b>87554</b>           |
|              | Gare Palma IV/5 CM (Custodian)  | Upto 2015    | 9.84                | 30000           | 82.00             | 24600                  |
|              |                                 | 2016         | 0.68                | 2000            | 85.00             | 1700                   |
|              |                                 | 2017         | 1.6                 | 5000            | 80.00             | 4000                   |
|              |                                 | 2018         | 1.7                 | 5000            | 85.00             | 4250                   |
|              |                                 | 2019         | 1.8                 | 5000            | 90.00             | 4500                   |
|              |                                 | 2020         | 0.44                | 1100            | 100.00            | 1100                   |
|              |                                 | 2021         | 0.59                | 1504            | 98.00             | 1474                   |
| <b>Total</b> |                                 | <b>16.6</b>  | <b>49604</b>        | <b>83.91</b>    | <b>41624</b>      |                        |

- A project report on “Monitoring and evaluation of plantation” at Gare Palma IV/4 OCM (Milupara, Tamnar, Raigarh (C.G.) by Nav Aastha Jan Vikas Seva Samiti till 2017 has been submitted.

- A project report on “Monitoring and evaluation of plantation” at Gare Palma IV/5 CM (Under Ground) Milupara, Tamnar, Raigarh (C.G.) by Nav Aastha Jan Vikas Seva Samiti till 2017 has been submitted.

**B. M/s Mahavir Energy & Coal Benefaction Limited**

| Industry | Project                                | Year wise    | Plantation Target | Plantation Done | Survival Rate (%) | No. of plants survived |
|----------|----------------------------------------|--------------|-------------------|-----------------|-------------------|------------------------|
| Mahavir  | Mahavir Energy & Coal Benefaction Ltd. | 2008-09      | 500               | 270             | 54.07             | 146                    |
|          |                                        | 2009-10      | 750               | 560             | 75.00             | 420                    |
|          |                                        | 2010-11      | 2000              | 1510            | 76.03             | 1148                   |
|          |                                        | 2011-12      | 1000              | 910             | 71.98             | 655                    |
|          |                                        | 2012-13      | 1000              | 1680            | 70.00             | 1176                   |
|          |                                        | 2013-14      | 1000              | 750             | 68.27             | 512                    |
|          |                                        | 2014-15      | 500               | 70              | 80.00             | 56                     |
|          |                                        | 2015-16      | 2000              | 1069            | 75.77             | 810                    |
|          |                                        | 2016-17      | 1000              | 910             | 77.47             | 705                    |
|          |                                        | 2017-18      | 500               | 1500            | 100.00            | 1500                   |
|          |                                        | 2018-19      | 500               | 450             | 88.89             | 400                    |
|          |                                        | <b>Total</b> |                   | <b>10750</b>    | <b>9679</b>       | <b>76.13</b>           |

- Layout of plantation at Mahavir Energy & Coal Benefaction Ltd. plant has been provided by PA. Plantation details from 2019 to 2022 have not been provided.

**C. M/s CSPGCL(Details as provided by the Project Proponent)**

(EC Specific Condition XXIV and XXXV Gare Palma III - Extensive plantation should be done near agriculture area to avoid coal dust pollution which may affect the productivity of crop. Environment Clearance issued vide letter No. J-1 101 5/ 168/2009-IA.II (M), Dated 23.05.2013 and amendments issued vide letter No. J-11015/168/2009-IA.II (M) Dated 17.06.2014)

| Industry | Project | Year wise | Plantation area(Ha) | Plantation Done | Survival Rate (%) | No. of plants survived |
|----------|---------|-----------|---------------------|-----------------|-------------------|------------------------|
|          |         |           |                     |                 |                   |                        |

|                       |                                              |              |             |              |    |              |
|-----------------------|----------------------------------------------|--------------|-------------|--------------|----|--------------|
| <b>M/s<br/>CSPGCL</b> | <b>Gare<br/>Palma III<br/>Coal<br/>Mines</b> | 2019-20      | 0.09        | 820          | 80 | 656          |
|                       |                                              | 2020-21      | 0.9         | 3480         | 85 | 2958         |
|                       |                                              | 2021-22      | 1.88        | 9310         | 85 | 7913         |
|                       |                                              | <b>Total</b> | <b>2.87</b> | <b>13610</b> |    | <b>11527</b> |

- Plantation layout at Gare Palma Sector III (CSPGCL) has been provided.
- Plantation area description along with the species planted has been provided by PA.

**D. SECL (Details as provided by the Project Proponent)**

**(EC Specific Condition 17 Gare Palma IV/I – Green belt shall be developed along the areas such as the washery unit, crushing unit and stock yard and at transfer point and in between mine operation and habitation. Environment Clearance issued vide letter No. J-11015/204/2005/IA.II (M) dated 06/12/2005 and J- 11015/81/2008/IA.II (M) dated 16/04/2015)**

**(EC Specific Condition 26 Gare Palma IV/2 and IV/3 – Green belt shall be developed along the areas such as the washery unit, crushing unit and stock yard and at transfer point and at transfer points. Environment Clearance issued vide letter No. J-11015/288/2007/IA.II (M) dated 12/06/2012 and Modified/ Exemption of EC dated 16/04/2015)**

| <b>Industry</b> | <b>Project</b>                                | <b>Year wise</b> | <b>Plantation area(Ha)</b> | <b>Plantation Done</b> |
|-----------------|-----------------------------------------------|------------------|----------------------------|------------------------|
| <b>SECL</b>     | <b>Gare Palma IV/1 OCM (Custodian)</b>        | 2016-17          | 0                          | 0                      |
|                 |                                               | 2017-18          | 8                          | 20000                  |
|                 |                                               | 2018-19          | 10                         | 25000                  |
|                 |                                               | 2019-20          | 10                         | 25000                  |
|                 |                                               | 2020-21          | 8                          | 20000                  |
|                 |                                               | <b>Total</b>     | <b>36</b>                  | <b>90000</b>           |
|                 | <b>Gare Palma IV/2 &amp;3 OCM (Custodian)</b> | 2016-17          | 4.2                        | 10500                  |
|                 |                                               | 2017-18          | 4.2                        | 10500                  |
|                 |                                               | 2018-19          | 0                          | 0                      |
|                 |                                               | 2019-20          | 10                         | 25000                  |
|                 |                                               | 2020-21          | 10                         | 25000                  |
|                 |                                               | 2021-22          | 10                         | 25000                  |
|                 |                                               | <b>Total</b>     | <b>38.4</b>                | <b>96000</b>           |

**E. M/s Ambuja Cement(Details as provided by the Project Proponent)**

(EC Specific Condition XXV Gare Palma IV/8 – Green Belt shall be developed all along the periphery of the site, along the area such as the washery unit, crushing unit, stock yard. A three tier avenue plantation would be developed along vacant areas, near washery, storage yard, loading points and transfer points and along internal roads and main approach roads and on the two kilometer road up to the railway siding and at the siding. Environment Clearance issued vide letter No. J-11015/276/2010/IA.II (M) dated 10/06/2013 EC transferred to M/s Ambuja Cement Ltd. MoEF&CC file no. J-11015/76/2010/IA.II (M) dated 01/04/2019. EC extended no. J-11015/76/2010/IA.II (M) dated 30/09/2020.

| Industry          | Project         | Year wise    | Plantation area(Ha) | Plantation Done | Survival Rate (%) | No. of plants survived |
|-------------------|-----------------|--------------|---------------------|-----------------|-------------------|------------------------|
| M/s Ambuja Cement | Gare Palma IV/8 | 2018-19      | 1.8                 | 4500            | 72                | 3240                   |
|                   |                 | 2019-20      | 2                   | 5000            | 70                | 3500                   |
|                   |                 | 2020-21      | 1.2                 | 3000            | 80                | 2400                   |
|                   |                 | 2021-22      | 1.7                 | 4336            | 100               | 4336                   |
|                   | Coal Mines      | <b>Total</b> | <b>6.7</b>          | <b>16836</b>    |                   | <b>13476</b>           |

- Plantation layout at Gare Palma Sector IV/8 (M/s Ambuja) has been provided by the PA.
- Details of plantation done to arrest soil erosion over the OB Dump and area planted outside the mining lease in pursuant to the Forest Clearance have been provided.

(2) Whether after September 2020 any UG mines has been converted to OC coalmines. **(Action by MoEF&CC Nagpur)**

Since, all the Court Cases pertaining to State of Chhattisgarh were earlier dealt by IRO, Nagpur, a letter, in this connection had been sent to Member Secretary (Coal Mining) by IRO, Nagpur vide letter no CC-174/RON/2018-NGP/7823 dated 17/02/2021

A follow up email has also been sent to Ministry by IRO, Raipur vide email dated 09/09/2021 (*enclosed as annexure - VII*). As per information received from the IA Coal Mining, no UG project has been converted to OC project in Tamnar and Gharghoda region.

However, M/s. Hindalco Industries Limited applied for expansion from 1 MTPA (0.56 MTPA from opencast and 0.44 MTPA from underground) to 1.5 MTPA on 25<sup>th</sup> July 2019 and TOR, in this connection, was granted on 08 January 2020. Thereafter no EAC meeting has been conducted as on date.

- (3) What progress has been made for commissioning a detailed and Comprehensive environmental load carrying capacity study (**Action by CECB- Offer called from NEERI. 1<sup>st</sup> round of technical meeting held on 02.08.2021**)

No progress reported by CECB. – Not Complied

- (4) Whether strict monitoring and follow up action by MoEF&CC for green belt development compliance has been made, if so, its result. (**Action by MoEF&CC, Nagpur**)

A follow up meeting has already been organized by IRO, Office by conducting meeting with all the Project Proponents vide letter no. CC-174/RON/2018-NGP/7823 dated 17/02/2021

The MoEF&CC has directed to the Project Proponents to submit the updated Plantation details on quarterly basis to IRO, Raipur office and the same will be verified where and when the Ministry Representative visits the concerned area.

## 2. PART-B Long term Action Plan:-

Hon'ble NGT has directed that the Oversight Committee may make assessment of compensation for the violations on the basis of which the statutory State Board may take further action, following due process of law.

To be considered in next meeting in the light of facts and materials discussed above and conclusions made there in.

## 3. PART-C Agenda for meeting during 26-27<sup>th</sup> October 2021 at Bilaspur-

In order to summaries the non-compliances, damage caused, feasible remedies and assessment of compensation, the committee has decided to conduct the meeting at Bilaspur during 26-27<sup>th</sup> October 2021.

- (1) Calculation of environmental compensation in those cases found not satisfied during hearing in last meeting.
- (2) Calculation of property damage on application submitted by villager
- (3) To discuss about carrying capacity study
- (4) CECB, RO, Raigarh to follow up with
  1. CGWB- for water recharging point report
  2. DMHO- for providing CHC, PHC detail with staff strength and Government health scheme being implemented in rural area
  3. PHED for detail about treatment of fluoride contaminated water in Saratola village
- (5) Any other issue with permission to Chairman.

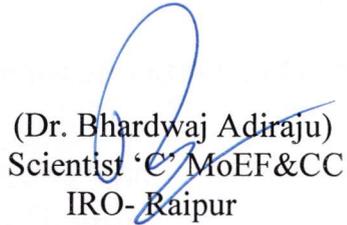
The meeting ended with thanks to Chairman.



(Shri. S.K. Verma)  
Regional Officer, CECB, Raigarh



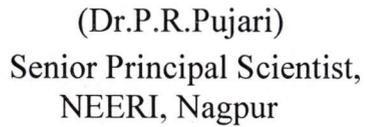
(Sh. P. K. Gupta)  
Deputy Collector Raigarh



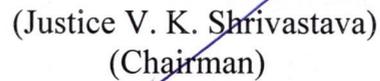
(Dr. Bhardwaj Adiraju)  
Scientist 'C' MoEF&CC  
IRO- Raipur



(Dr. R.P. Mishra)  
Scientist "D" CPCB,  
Bhopal

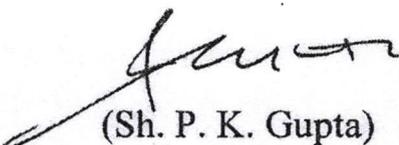


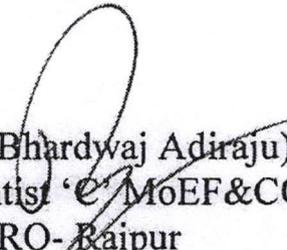
(Dr. P.R. Pujari)  
Senior Principal Scientist,  
NEERI, Nagpur



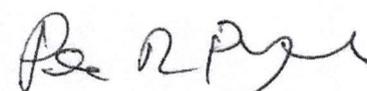
(Justice V. K. Shrivastava)  
(Chairman)

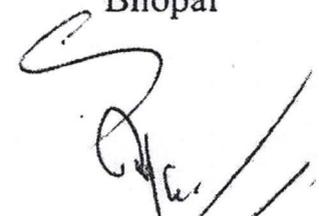
  
(Shri. S.K. Verma)  
Regional Officer, CECB, Raigarh

  
(Sh. P. K. Gupta)  
Deputy Collector Raigarh

  
(Dr. Bhardwaj Adiraju)  
Scientist 'C' MoEF&CC  
IRO- Raipur

  
(Dr. R.P. Mishra)  
Scientist "D" CPCB,  
Bhopal

  
(Dr. P.R. Pujari)  
Senior Principal Scientist,  
NEERI, Nagpur

  
(Justice V. K. Shrivastava)  
(Chairman)

4<sup>th</sup> Meeting  
Date-26-27<sup>th</sup> October 2021

### **Minutes of the meeting of Oversight Committee**

#### **OA No.104/2018 Shivpal Bhagat & Ors.Vs Union of India & Ors.**

In accordance with decision taken in 3<sup>rd</sup> meeting held on 14<sup>th</sup> – 17<sup>th</sup> September 2021 at Bilaspur, 4<sup>th</sup> meeting was conducted during 26-27<sup>th</sup> October 2021 at Bilaspur. Sh. Sharachchandra Lele, ATREE, Bengaluru could not attend the meeting due to health issue. Dr. Paras Ranjan Pujari, Senior Principal Scientist, NEERI, Nagpur could also not attend the meeting because of urgent official occupation. The meeting was attended by members as under-

1. Justice V.K. Shrivastava, Chairman
2. Dr. R.P.Mishra Scientist ‘D’ Central Pollution Control Board, Bhopal
3. Dr. Bhardwaj Adiraju Scientist ‘C’ MoEF&CC, IRO Raipur
4. Sh. P. K.Gupta, DC, Raigarh
5. Sh. S.K.Verma, Regional Officer, CECB, Raigarh

#### **Agenda for meeting during 26-27<sup>th</sup> October 2021 at Bilaspur-**

- (1) To summarize the non-compliances, damage caused feasible remedies and assessment of environmental compensation in those cases found not satisfied during hearing in last meeting. Calculation of property damage for awarding environmental compensation on application submitted by villagers.
- (2) To discuss about carrying capacity study
- (3) CECB, RO, Raigarh to follow up with

- (4) CGWB- for water recharging point report
- (5) DMHO- for providing CHC, PHC detail with staff strength and Government health scheme being implemented in rural area
- (6) PHED for detail about treatment of fluoride contaminated water in Saratola village
- (7) Any other issue with permission to Chair

1. Supreme Court of India

M/S. Goel Ganga Developers India ... vs Union of India through Secretary ... on 10 August, 2018

2. Director General (Road Development ) National Highways authorities of India V. Aam Aadmi Lokmanch and others AIR 2020Supreme Court 3471 .

- (1) Calculation of environmental compensation against TPPs and Coal Mines incases found not satisfied during hearing in last meeting

The environmental compensation (EC) is based on the following formula-

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

Where,

EC= Environmental Compensation in Rs

PI= Pollution Index of Industrial Sector

N= Number of days of violation took place

R= A factor in Rs

S= Factor for scale of operation

LF= Location Factor

Note-

1. Average Pollution Index (PI) 80 has been taken considering Coal Mine & TPP in Red category of Industry
2. N, Number of days for which violation took place is period between the

day violation observed and due date of compliance is taken as 30.11.2021 ( As the status report is up to 30.11.2021)

3. R, A factor in Rs is taken 250 only
4. S, Factor of scale of operation 1.5 as coal mines and TPP are large scale units.
5. LF, has been taken 1.0 for population less than one million

(2) Calculation of property damage on application submitted by villager in favour of the applicant against TPPs

(3) Calculation of property/ crop damage was done on the basis of area and tentative loss to crop and rate per hector.

### **1. M/s TRN Energy Private Limited, Nawapara, Raigarh-**

M/s TRN Energy Private Limited (2x300MW) thermal power plant is located in village Bhengari, Nawapara (Tenda), Gharghoda, Raigarh. The plant started its commercial production in 2016 with an average generation of fly ash 4000 MT per day. The thermal power has generated approximately 2879126 MT fly ash during January 2016 to March 2021, out of which 58% (1665007MT) has been disposed in low lying area of village ChoteGumda, Bade Gumda, Nawapara, Tenda and Baansmuda. As per detail submitted by the TPP the area used for disposal of fly ash is approximately 17.378 Hectare.

TRN power has created an ash dump violating EC conditions outside its ash dyke in the village Nawapara Tenda. There are physical evidences for breaching of mudwall leading to fly ash flowing into adjoining field even situation to fly ash into neighboring inhabitants. On field visit on 24-25.08.2021 we have seen that by the side of State High way unscientific fly ash dump has been found , also adjoining fields have been covered under fly ash dump causing utility loss of those fields. Erosion of the land due to fly ash is clear. Another fly ash dump adjoining to Forest and

nallah in personal land of some villager have been seen, due to cracks and land break /erosion from various points water along with fly ash flowing from there is clear the dump is not in low lying area but is on plane ground by the sides of Bargad tree. No guide lines as prescribed since 1999 have been followed. On earlier visit in March 2021 committee found that TRN power has created an ash dump outside its ash dyke in the village Nawapara Tenda. The top of Dump was at least 10 feet above the ground level. It was also observed that because of breaking of mud wall fly ash was flowing into adjoining field. To prevent the same no remedial measures has been taken by the PP. On current visit dated 25-08-2021 we find that some of the fields have become useless, in agricultural field flowing of fly ash was found. On road side flow we could see the flowing of flyash in heavy quantity. A pretty big area has been covered under flowing of fly ash from this Dump.

Representative from TRN admits all these OB dumps and contended that after obtaining the permission from land owner and Gram Panchayat Fly ash dump have been made .

Although they brought some papers and made attempt to show that they have not violated the Environmental conditions but could not produce permission / consent of State Pollution Control Board. The thermal power plant has also submitted copy of study report conducted in 2018 by ISM Dhanbad which recommends about no metal contamination in ground water due to leaching from fly ash disposed in low lying area.

Ministry of Environment and Forests Notification No. S.O. 763 (E) dated 14th September 1999 only permits for reclamation and compaction of fly ash in low lying area in accordance with specifications and guidelines laid down by the authorities as mentioned in clause 3 of that notification. None of the notifications or guidelines give liberty to loose disposal of fly ash that's too above ground level.

Chhattisgarh Environment Conservation Board has informed about issue

of closure notice to the industry. TPP has submitted the reply of notice which is under consideration for decision. The representative of the industry have informed about construction of new ash dyke for which land has been acquired in 2017 and Environmental clearance obtained in year 2011.

Ash Dyke belonging to TRN Energy Ltd , on visit we find that at one place wall of the dyke is severely damaged and we apprehended that accident may took place, Shri R.P. Mishra inform the facts for repairs forthwith so as to avoid any unfortunate event. Underground water discharge from dyke is there and the discharged water is flowing to agriculture field. Water samples have been collected. Fly ash flying over the ash dyke has also been seen. Even some of the persons were seen roaming over the dried fly ash lying in the dyke. It appears that there is no recycle water system operating. Construction does not appear to be scientific.

Representatives of TRN does not dispute the damage but they contended that Railway has made dump of the soil in their outer wall and that dump has been eroded due to rain but could not show any evidence to support his contentions. They also stated that as per original permission accorded by MoEC&CC they have constructed this second Ash dyke and for perusal shown the permission letter. In this permission letter there is no sanction of more than one ash dyke even as per deliberation it could come to know that first ash dyke is inside the Plant and this ash dyke has been made outside the plant .Whether ash dyke should have been built in the vicinity of habitants, to reply this question they could not able to show any legal authority or any permission. So far as water discharge is concerned they stated that this water discharge belongs to Railway.

For non compliance of the environmental standard/ violations of legal direction for which there is no rebuttal on the other hand has been open and as disclosed above is proved . TRN is liable for environmental compensation.

In compliance of Hon'ble NGT, Principal Bench order dated 12.02.2020 in OA No.117/2014, CPCB has computed the amount of Environment Compensation for individual TPPs for non-utilization of 100% fly ash in year 2018 (2018-19) and 2019 (2019-20) respectively. M/s TRN Energy Private Limited, Nawapara is also included in that list for Environmental Compensation of Rs. 1,48,80488 on which Hon'ble Supreme Court vide its order dated 04.11.2019 has directed deferment of the proceedings.

In addition to above and in view of a number of breaches of environmental conditions not earlier considered for compensation, independent Environmental Compensation for following period is calculated as under-

- Initial date of compensation- 01.04 .2020
- Last date of compensation- 30.11.2021
- Number of days- 608
- EC in Rs. 1,82,40,600/- (One Crore eighty two lakhs forty thousand and six hundred )

## **2. M/s Mahaveer Energy & Coal Benification Limited –**

M/s Mahaveer Energy & Coal Benification Limited is Biomass based 12MW Thermal Power Plant located in Village Bhengari, Gharghoda, Raigarh. The plant started its commercial production in 2014 with an average generation of fly ash 20000 MT per annum. The thermal power has generated approximately 139839 MT fly ash during April 2014 to March 2021, out of which 0.04% (56MT) has been disposed in low lying area of village Bhengari. The industry during hearing have submitted documents related with agreement for fly ash use by Sh. Saroj Kumar S/o Sh. Prabhakar Kumar in Brick manufacturing. This agreement was done on 04.12.20 indicating that fly ash generated before 04.12.2020 have been disposed in low lying area. The industry has also provided

copy of revenue records in support of ownership of the land. Ministry of Environment and Forests Notification No. S.O. 763 (E) dated 14th September 1999 only permits for reclamation and compaction of fly ash in low lying area in accordance with specifications and guidelines laid down by the authorities as mentioned in clause 3 of that notification. None of the notifications or guidelines give liberty to loose disposal of fly ash that's too above ground level. No consent has been obtained from CECB .

The above said notification only permits for reclamation and compaction of fly ash in low lying area but do not give liberty to loose disposal of fly ash that's too above ground level. The oversight committee during its visit have observed heaps of disposed fly ash giving its way to become air borne or flow with rain water in drain leading to surface water contamination.

In compliance of Hon'ble NGT, Principal Bench order dated 12.02.2020 in OA No.117/2014, CPCB has computed the amount of Environment Compensation for individual TPPs for non-utilization of 100% fly ash in year 2018 (2018-19) and 2019 (2019-20) respectively. M/s Mahaveer Energy & Coal Benification Limited is not included in that list for Environmental Compensation because the industry has submitted report of 100% utilization in manufacturing of fly ash brick to Chhattisgarh Environment Conservation Board which seems to be misleading information given to statutory authority.

Mahaveer Bio Energy has created an ash dump behind its premises in violating the SOP and EC even creating a public hazard. On field visit dated 25-08-2021 we found near a temple there was a fly ash dump adjoining to Forest and River, due to erosion from various points water along with fly ash flowing from there is clear the dump is not in low lying area but is on plane ground and as per persons gathered there the land is

govt. land recorded as “ChoteJhad Ka Jungle”. No guidelines as prescribed since 1999 have been followed. As per report of committee dated 11-10-2019 it has been found that M/S Mahaveer Energy is indulging in extensive and irresponsible disposal of fly ash in village Bhengari. In that report Fig. 3 Éxtent of fly ash dumping in agricultural land in Bhengari Village close to Bhengari Nala and Fig. 4. 40 feet height flyash dump by M/s Mahaveer Energy in Bhengari village (in the name of low lying areas dump) . On recent visit on 25-08-2021 we saw the spot (Fig.4 of that report) and found that earlier reporting still continues. We also saw evidence of flowing flyash from upper portion to lower portion. On 15-17 March visit it has been noted that Mahaveer Energy has created an ash dump behind its premises the top of dump is at least 10 feet height above the ground level and does not confirm to the SOP for dumping in low lying area, even there is no proper retaining wall around the dump creating a public hazard. In present visit we still found the Dump present in open sky flying ash in environment.

Representative from Mahaveer Bio Energy to defend their action have accepted all those dump but their contention is that because of demand of Mandir Samiti , dump near Mandir has been made , other dump are in their own land , they are using fly ash in making the bricks under their own brick plant and also providing fly ash to other brick plant holder but to support he could not produce land ownership in his name or other documents regarding actual use of fly ash in making the bricks.

For non compliance of the environmental standard/ violations of legal direction for which there is no rebuttal on the other hand has been open and as disclosed above is proved. M/s Mahaveer Energy & Coal Benification Limitedis liable for environmental compensation.

In compliance of Hon’ble NGT, Principal Bench order dated 12.02.2020 in OA No.117/2014, CPCB has computed the amount of

Environment Compensation for individual TPPs for non-utilization of 100% fly ash in year 2018 (2018-19) and 2019 (2019-20) respectively. M/s Mahaveer Energy & Coal Benification Limited is not included in that list for Environmental Compensation because the industry has submitted report of 100% utilization in manufacturing of fly ash brick to Chhattisgarh Environment Conservation Board which seems to be misleading information given to statutory authority.

Environmental Compensation is calculated as under-

- Initial date of compensation- 01.01.2018
- Last date of compensation- 30.11.2021
- Number of days- 1429
- Operation factor considered- 0.5 ( small scale- biomass plant)
- EC in Rs. 1,42,90,000/- (One crore forty two lakhs ninety thousand)

3. **Penalty/Fine on Principal Secretary Public Works Department, State of Chhattisgarh.**

**Committee constituted vide order dated 22-07-2019 after due consideration including field visit submitted its report and the recommendations made therein were considered by the NGT vide order dated 27-02-2020**

*Short term measures*

4.1 f. *Proper repairing and maintenance of roads both inside and outside the mine area to ensure smooth movement of trucks and other load carrying vehicles.*

*Long term measures*

4.2 b ) *To reduce the pollution and other impacts caused by road transport of coal and mother minerals , direction may be issued that coal transport by road*

*from coal mines or thermal power plants in these two blocks will be permitted only for a year , after which transport must done by rail or closed conveyor belt only.*

*Hon'ble the NGT in order dated 27-02-2020 in para 4 has mentioned that “We find that the recommendations are based on relevant studies and need to be considered by the power plants and mines in the area for protection of environment and public health and environmental rule of law.*

**Further compliance review status as on 09-11-2020 has been filed and considered by Hon'ble NGT vide their order dated 20-11-2020.**

## *02. Long Term Measures*

### *REVIEW STATUS AS ON 09-11-2020*

*As per report obtained from SECL it is evident 35%increase in daily average dispatch by rail in comparison to the FY 2019-20 after construction of new rail line between Kharsia – Gharghoda- Korichhapar , coal dispatch from Korichhapar railway siding commenced in FY 2019-20. It is assumed that coal transport by rail may increase by 50% in addition to earlier transport in rail by December 2020.*

*The Committee on field observation has made recommendation as below:-*

- 1. EE PWD was present before committee to apprise the status of PWD roads in the area .Committee has observed very bad road conditions in Tamnar and Gharghoda area which seems to be one of the measure factors for deterioration of ambient air quality. EE PWD Sh. Khamra has informed the committee about requirement of immediate construction of approximate 111 KM CC road ( Raigarh to DharamjayGarh about 76 Km and Punjipathra to Milupara about 35n Km.)but due to budget constraint the work is pending since last several years. An amount of Rs. 335Crore may be required to complete the construction of CC road in the area of Tamnar and Gharghoda. More over SECL has paid an amount of 42 Crore to Raigarh PWD for construction of 19 Kms, 7m wide tar road from Gharghoda to Jampali in compliance of NGT order.*
- 2. RECOMMENDATIOINS*
- 3. 2.Hon'ble NGT may like to direct Principal Secretary , PWD , Chhattisgarh Government to sanction budget of Rs. 335 Crore ( @ Rs 3.00 crore per km) for construction of CC road approximately 111 km length of 7 m width (Raigarh to DharamjayGarh about 76 km and Punjipatra to Milupara about 35 km ) and insure its execution before March 2021. In this context time bound action plan*

*with bank guarantee of Rs. 35 Crore may be obtained from PWD , Chhattisgarh to ensure timely execution of the work.*

**Hon'ble NGT passed order that Principal Secretary Health and the PWD Department , Chhattisgarh Government may act as per recommendations of the committee. (NGT order dated 20-11-2020)**

**Further compliance review status as on 15-03-2021 has been filed and considered by Hon'ble NGT vide their order dated 24-06-2021.**

*f). Proper repairing and maintenance of road outside the mine area to ensure smooth movement of trucks and other load carrying vehicles.*

*REVIEW STATUS AS ON 15-03-2021*

*EE PWD, Raigarh has informed the committee about requirement of immediate construction of approximate 111 KM CC road ( Raigarh to DharamjayGarh about 76 Km and Punjipathra to Milupara about 35n Km.) but due to budget constraint the work is pending since last several years.*

*Letter issued to PS, PWD, S-1/03 Mahanadi Bhawan, Raipur by this office vide number RDB/NGTOA 104/2018/553 dated 07-09-2020 and 06-01-2021 to sanction Rs. 335 crore for construction of 111 km CC road. No response has been received from PS, PWD Chhattisgarh Government.*

*FIELD OBSERVATION S*

*5. EE PWD Raigarh has informed the committee about immediate construction of approximate 111 Km CC road (Raigarh to Dharamjaygarh about 76 Km and Punjipathra to Milupara about 35 Km) but due to budget constraint the work is pending since last several years. An amount of Rs. 335 Crore may be required to complete the construction of CC road in the area of Tamnar and Gharghoda. Hon'ble NGT in its order dated 20-11-2020 (point 5) has instructed PS, PWD to sanction the required fund and ensure execution before March 2021. During field visit execution of the work was not observed, hence the issue was further clarified with EE, PWD, Raigarh who informed as under:-*

- > Main High way connecting Raigarh to Dharamjaygarh has now been included in National Highway Scheme*
- >Stretch from Chhal Mines to Gharghoda has been approved for two lanes*
- >Stretch from Punjipathra to Milupara via Tamnar not yet approved*

*In view of the above committee has instructed to EE, PWD, Raigarh to identify badly damaged patches in this stretch and prepare a budget and get the same approved so as to complete the work within three months. Stretch from Punjipathra to Milupara via Tamnar has also to be taken on highest priority because of the heavy traffic load on this route.*

#### *RECOMMENDATIONS*

*4. Hon'ble NGT may like to direct Principal Secretary, PWD, Chhattisgarh Government to sanction budget for 111 km road from Raigarh to Dharamjaygarh and Punjipathra to Milupara via Tamnar and ensure its execution within three months. In this context time bound action plan shall be submitted to ensure timely execution of work.*

#### *FIELD OBSERVATIONS AS NOTED IN PARA 5 OF THE ORDER DATED 24-06-2021.*

*5. Improve Road quality to reduce spillage and air pollution- Gharghoda and Tamnar area of Raigarh is extremely in coal mineral and extensively mined by SECL and other private companies. It was observed that very less percent of coal produced in the area is available for existing industries of Raigarh. Most of the coal mined is being transported to nearby areas in Chhattisgarh and other states. Hence road condition of Raigarh plays an important role in deterioration of ambient air quality. In order to ensure better ambient air quality and statistical balance is to be developed between road transport and rail transport. It was found satisfactory that developments of rail network with five coals siding the area are at the stage of completion. Hence it is required to decide a time line for transportation of coal by rail only specially being dispatched to other states. Road transport of coal shall be limited for those power plants operational in Raigarh.*

*EE PWD, Raigarh has informed the committee that main highway immediately connecting Raigarh to Dharamjaygarh has now been shifted to NH scheme. Stretch from Chall mines to Gharghoda has been approved for two lane and its strengthening. Stretch from Punjipathra to Milupara via Tamnar (25 km) and stretch from Milupara to Lailung not yet approved.*

*Action : Since the actual process of constructing the NH will take atleast two years , PWD is instructed to identify badly damaged patches in this stretch and prepare a budget and get the same approved and acted upon immediately ( within 3 months). As for as constructions of other stretches are concern PWD*

shall take highest priority because these are the stretches with heaviest traffic density.

**Hon'ble the NGT in para 8 have observed that Steps need to be taken expeditiously for development of health facilities , constructing necessary road from Raigarh to Dharamjaygarh and from Punjipathra to Milupara,..... In para 9 directed that "The Oversight Committee may make assessment of compensation for the violation on the basis of which the statutory Board may take further action, following due process of law."In para 10 passed order that "We regret to note failure of the concerned departments of the state of Chhattisgarh to respond the Committee and to performs their constitutional obligation to protect environment and public health. Pending taking coercive measures for such failure in due course , we direct the Chief Secretary , Chhattisgarh to ensure necessary action on the part of the concerned department , including PWD and Health on the subject of construction of road and providing Health care facilities and drinking water to the victims in the area. Any negligence by the State authorities may result in rendering the concerned senior officers personally accountable by way of prosecution under the provisions of the NGT Act, imprisonment under section 25 NGT Act read with section 51 CPC and exemplary costs out of their salaries" H**

Thrice Hon'ble NGT passed order against PWD and Health Department of State of CG finally apprised them towards penal consequences of disobedience but both these department took the said orders in a very casual manner and even gave a deaf ear to those orders.

Opportunity of hearing for consideration of environment compensation/ penalty has been provided. Intimation was sent to PS PWD Chhattisgarh Government to join the committee meeting on 16<sup>th</sup> September 2021 for hearing about progress/ constraint observed in delivering the target defined in action plan submitted to Hon'ble NGT. Chief Engineer, Bilaspur and Executive Engineer Raigarh of PWD attended the meeting and briefed the progress as under-

1. An amount of Rs.6274.33 Laks is sanctioned on 08.09.2021 for 27.50 km CC road from Punjipathra to Tamnar.
2. Approval granted on 23.02.2021 for an amount of 2032.95 Lakhs for renovation work of 13.40 km road from Raigarh to Gharghoda.
3. Approval granted on 08.09.2021 for an amount of 1797.25 Lakhs for renovation & Strengthening work of 10 km road from Chaal to Gharghoda.
4. So far as patch repair work is concerned, no documents or material could be produced even otherwise we could not see any repair work going on, on the roads.

All above sanctions and approvals are subject to acquirement of land, Release of Loan and two years' time for completion. Till date there is no progress regarding acquisition of land, sanction of loan, etc. All these facts itself shows that matter has not been given any seriousness or to say in near future the road is not going to be made.

The committee is not satisfied with submission.

Matter to be considered for imposition of Penalty/Fine

From afore stated complete facts it is clear that dept.of PWD did not care to follow the directions of the committee and also did not complied the orders of the Hon'ble NGT even they misguided committee and NGT by informing that road main highway connecting Raigarh to Dharamjaygarh has now been shifted to NH scheme which appears to be not correct because no such document to show that NH has taken over the Road has been provided. Although they received amount from SECL despite that they did not took interest to construct road. Non Construction of road and lack in repair work is one of the reason for pollution caused by road transport even there is no surety that in near future the construction of road will be made by the department. In fact this is a case of deliberate disobedience of remedial measures by the PWD, therefore for environment breach Depart.of PWD is also responsible and therefore cannot escape its liability to pay Penalty / Fine

..

If environmental Compensation is to be levied as per calculation below-

- Start date non- compliance- 07.09.2020

- Last date of compensation- 30.11.2021
- Number of days- 448
- Rate Rs. 30,000 per day
- EC comes to Rs- 1,34,40,000 (One Crore, thirty four lakhs, forty thousand)

But we are of the opinion that Penalty/ fine should be imposed , therefore after due consideration we assess/propose Penaly / Fine imposed on Principal Secretary PWD, State of CG Rs.1,00,00,000/- (Rs. One Crore)

#### 4. Penalty/Fine on Principal Secretary, Health Department,CG Govt.

**Committee constituted vide order dated 22-07-2019 after due consideration including field visit submitted its report and the recommendations made there in were considered by the NGT vide order dated 27-02-2020**

##### Short term measures

- g. *Proper and free heath care facilities with multispecialty treatment system may be provided in all coal mine-adjacent villages as per the recommendation of the committee report of 14-06-2019 in Dukalu Ram ( 4A 314/2014 CZ) case. (Action by respective coal mine companies).*

*Hon'ble the NGT in order dated 27-02-2020 in para 4 has mentioned that "We find that the recommendations are based on relevant studies and need to be considered by the power plants and mines in the area for protection of environment and public health and environmental rule of law. In para 5 have made reference to applicants contentions and passed order in para 6. **In para 6 have ordered that "Mitigation measures for heath issues may be over seen by the Principal Secretary , Health, Govt. of Chhattisgarh. For this purpose , the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary , Health Govt. of Chhattisgarh will be at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds."**(NGT order dated 27-02-2020)*

**Further compliance review status as on 09-11-2020 has been filed and considered by Hon'ble NGT vide their order dated 20-11-2020.**

*01. Short term measures*

*g. Proper and free health care facilities with multispecialty treatment system may be provided in all coal mine-adjacent villages as per the recommendation of the committee report of 14-06-2019 in Dukalu Ram ( OA 314/2014 CZ) case. (Action by respective coal mine companies)*

*REVIEW STATUS AS ON 09-11-2020*

*“Mitigation measures for health issues may be overseen by the Principal Secretary, Health, Govt. of Chhattisgarh. For this purpose, the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary, Health Govt. of Chhattisgarh will be at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds.”*

*02. Long Term Measures*

*b ) To reduce the pollution and other impacts caused by road transport of coal and other minerals, direction may be issued that coal transport by road from coal mines or thermal power plants in these two blocks will be permitted only for 1 year, after which transport must be done by rail or closed conveyor belt only.*

*REVIEW STATUS AS ON 09-11-2020*

*The Committee on field observation has made recommendation as below:-*

- 1.*
- 2. RECOMMENDATIONS*
- 3. 1. In order to ensure development of health facilities in the village of mining affected area, Principal Secretary, Health, Chhattisgarh Government may be advised to keep informing the oversight committee about development made in health facilities’.*

**Hon'ble NGT passed order that Principal Secretary Health and the PWD Department, Chhattisgarh Government may act as per recommendations of the committee. (NGT order dated 20-11-2020)**

**Further compliance review status as on 15-03-2021 has been filed and**

**considered by Hon'ble NGT vide their order dated 24-06-2021.**

*01. Short term measures*

*g). Proper and free health care facilities with multispecialty treatment system may be provided in all coal mine-adjacent villages as per the recommendation of the committee report of 14-06-2019 in Dukalu Ram ( OA 314/2014 CZ) case. (Action by respective coal mine companies)*

*REVIEW STATUS AS ON 15-03-2021*

*“Mitigation measures for health issues may be over seen by the Principal Secretary, Health, Govt. of Chhattisgarh. For this purpose, the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary, Health Govt. of Chhattisgarh will be at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds. Collector Raigarh has assured to arrange the required medical facility in the area by way arranging health screening camps in all villages within next few months.*

*RECOMMENDATIONS*

*3. In order to ensure development of health facilities in the villages of mining affected areas, Principal Secretary, Health Chhattisgarh Government may be advised to keep informing the Oversight Committee about development made in health facilities.*

*FIELD OBSERVATIONS AS NOTED IN PARA 5 OF THE ORDER DATED 24-06-2021.*

- 4. Public health facilities and disease screening – The committee has also discussed about requirement of health infrastructure and status of available facilities in Gharghoda and Tamnar area, Collector Raigarh has informed the committee that there are adequate facilities available at Tamnar CHC and at the Fortis – JPL multispeciality hospital at Tamnar. Collector Raigarh has also assured to organize “health Camps” within the next three months in all villages surrounding the mines areas in T & G blocks, and then ensure regular screening after that on a yearly basis.*

**Hon'ble the NGT in para 8 have observed that Steps need to be taken expeditiously for development of health facilities, constructing necessary road from Raigarh to Dharamjaygarh and from Punjipathra to Milupara,..... In para 9 directed that “The Oversight Committee**

**may make assessment of compensation for the violation on the basis of which the statutory Board may take further action, following due process of law.”In para 10 passed order that “We regret to note failure of the concerned departments of the state of Chhattisgarh to respond the Committee and to perform their constitutional obligation to protect environment and public health. Pending taking coercive measures for such failure in due course , we direct the Chief Secretary, Chhattisgarh to ensure necessary action on the part of the concerned department, including PWD and Health on the subject of construction of road and providing Health care facilities and drinking water to the victims in the area. Any negligence by the State authorities may result in rendering the concerned senior officers personally accountable by way of prosecution under the provisions of the NGT Act, imprisonment under section 25 NGT Act read with section 51 CPC and exemplary costs out of their salaries” H**

Thrice Hon’ble NGT passed order and finally apprised them towards penal consequences of disobedience but department took the said orders in a very casual manner and even gave a deaf ear to those orders.

Opportunity of hearing for consideration of environment Penalty/Fine has been provided to the department.

Intimation was sent to PS, Health, and Govt. of Chhattisgarh to join the committee meeting on 16<sup>th</sup> September 2021 for hearing about progress/constraint observed in delivering the target defined in action plan submitted to Hon’ble NGT. PS Health Chhattisgarh Government could not ensure his presence in person/representative in the meeting.

The documents and information provided about infrastructure of health facilities reveals that health care facilities are insufficient and no serious efforts have been made to improve it even on the direction of Hon’ble NGT.

Hence the matter to be considered for imposition of environmental Penalty/Fine.

- The oversight committee in its report dated 14.10.2019 submitted to Hon’ble NGT had recommended proper and free health care

facilities with multispecialty treatment system may be provided in all coal mine adjacent villages. In this context Hon'ble NGT has given the liberty to PS Health Government of Chhattisgarh to oversee the mitigation measures for health issues. For this purpose the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary Health, Govt. of Chhattisgarh is at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds.

- In its further order dated 20.11.2020 Hon'ble NGT has directed PS, Health Govt. of Chhattisgarh to keep informing the oversight committee about development made in health facility. In spite of the direction issued by Hon'ble NGT no progress was submitted PS, Health, Govt. of Chhattisgarh to the oversight committee.
- Hon'ble NGT in its order dated 27.02.2020 has directed that *mitigation measures for health issues may be overseen by the Principal Secretary, Health, Govt. of Chhattisgarh. For this purpose, the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary, Health, Govt. of Chhattisgarh will be at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds. A copy of this order be sent to the CPCB, Principal Secretary, Health, Govt. of Chhattisgarh, Ministry of Coal as well as the MoEF&CC by e-mail.*
- Hon'ble NGT in order dated 24.06.2021 on point number 10 mentioned that  
*“We regret to note failure of the concerned departments of the State of Chhattisgarh to respond to the Committee and to perform their Constitutional obligation to protect environment*

*and public health. Pending taking coercive measures for such failures in due course, we direct the Chief Secretary, Chhattisgarh to ensure necessary action on the part of the concerned departments, including PWD and Health on the subject of construction of road and providing health care facilities and drinking water to the victims in the area. Any negligence by the State authorities may result in rendering the concerned senior officers personally accountable by way of prosecution under the provisions of the NGT Act, imprisonment under section 25 NGT Act read with section 51 CPC and exemplary costs out of their salaries. “*

Principal Secretary Health neither responded the above orders issued by Hon'ble NGT nor could done any work to protect environment and public health. He not only took all the orders passed by Hon'ble NGT in a very casual manner but also gave a deaf ear to those orders His non involvement in taking remedial measures is one of the reason to increase public health hazard which arose due to air and water pollution. Neither he took part in environmental Penalty/Fine hearing although noticed nor could show any ground to exempt him from levying the Penalty / Fine .

If environmental Compensation is to be levied as per calculation below-

- Start date non- compliance- 27.02.2020
- Last date of compensation- 30.11.2021
- Number of days- 641
- Rate Rs. 30,000 per day
- EC comes to Rs. 1,92,30,000 (One Crore, ninety two lakhs, thirty thousand)

But we are of the opinion that Penalty/ fine should be imposed , therefore after due consideration we assess/propose Penaly / Fine imposed on Principal Secretary PWD, State of CG Rs.1,00,00,000/- ( Rs. One Crore)

**Calculation of property damage on application submitted by villagers in favour of the applicant against TPPs**

1. Applications were against TRN Energy Pvt.Ltd.and against M.s Mahaveer Energy & Coal Benification Ltd. Although copyof the application are been served on these TPPs but they did not file any reply. For hearing against these application, both the parties remained absent. For verification services of concerned Patwari have been taken. As per information provided by the Patwari only 4 persons were found entitled therefore for those persons compensation has been calculated and remaining applications have been rejected.

Calculation of property/ crop damage was done on the basis of area and tentative loss to crop and rate per Quintal

As per report of the area Patwari Govt. has fixed per hector crop 37 quintal and price including bonus Rs.2500/- per quintal of paddy.

The damage claims submitted by the affected villagers and farmers were scrutinized by officials of land revenue departments. They have given the affected area of claimant. Environmental compensation in the shape of damage has been calculated as below, damage claim submitted by villager details of affected land is as under-

| S.No. | Name & address of claimant                                  | Affected khasra No | Affected area Hectare | Amount in Rs                                           |
|-------|-------------------------------------------------------------|--------------------|-----------------------|--------------------------------------------------------|
| 01    | Sh. Ghuraoram Rathia<br>Nawapara                            | 381/01             | 0.076                 | 7030                                                   |
| 02    | Sh. Harcharan Rathia &<br>Sh. Malik Ram<br>RathiaKantagdeeh | 09/01<br>09/02     | 4.411<br>1.895        | 408017.5<br>allowe only<br>Rs.1,11,000/-<br>as claimed |

|                     |                        |        |       |                                                    |
|---------------------|------------------------|--------|-------|----------------------------------------------------|
|                     |                        |        |       | 175287.5<br>allowed<br>Rs.1,11,000/-<br>as claimed |
| 03                  | Sh. Karam Singh Rathia | 401/01 | 0.101 | 9342.5                                             |
| Total Affected area |                        |        | 6.483 | 599677.5                                           |

- - Note- Damage calculated based on productions of 37 quintals per hectare considering rate of crop @ Rs. 2500 per quintal.
  - 
  - The committee has decided that as environmental compensation /damage claim will be paid by M/s TRN Energy Private Limited to the affected villagers/ farmers as per above list accordingly.
2. To discuss about carrying capacity study:- Not yet finalized between NEERI and CECB
- CECB, RO, Raigarh to follow up with
3. CGWB- for water recharging point report:- Report not received .
4. DMHO- for providing CHC, PHC detail with staff strength and Government health scheme being implemented in rural area:-Not yet provided .
5. PHED for detail about treatment of fluoride contaminated water in Saratola village: Not yet provided.

**Agenda for meeting during 24<sup>th</sup>-25<sup>th</sup> November 2021 at Raigarh & Bilaspur-**

In order to summarize the assessment of compensation, the committee

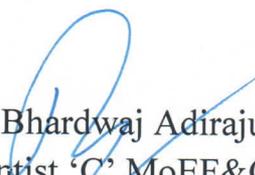
has decided to conduct field visit at Raigarh on 24<sup>th</sup> November 2021 and the meeting at Bilaspur on 25<sup>th</sup> November 2021

- A. Physical verification of progress as on 30.11.2021 and Environmental compensations.
- B. Visit to M/s Hindalco Industries Limited -Coal Mines ( Gare Pelma Sector- IV/4&5)
- C. Hearing to M/s Hindalco Industries Limited on environmental compensation and assessment of environmental compensation.
- D. Any other issue with permission to Chairman.

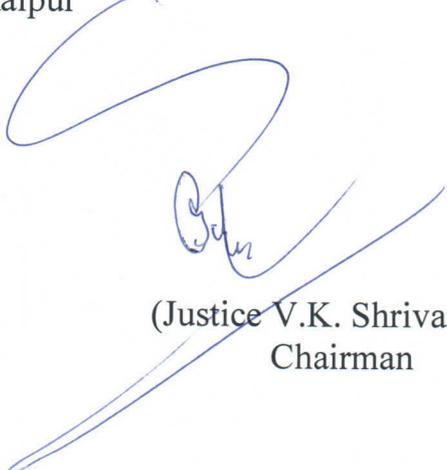
The meeting ended with thanks to Chairman.

  
(Shri. S.K. Verma)  
Regional Officer,  
CECB, Raigarh

  
(Sh. P. K. Gupta)  
Deputy Collector,  
Raigarh

  
(Dr. Bhardwaj Adiraju)  
Scientist 'C' MoEF&CC  
IRO- Raipur

  
(Dr. R.P. Mishra)  
Scientist "D"  
CPCB, Bhopal

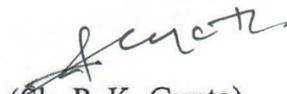
  
(Justice V.K. Shrivastava)  
Chairman

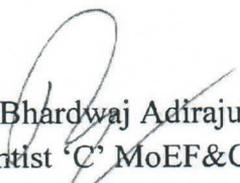
has decided to conduct field visit at Raigarh on 24<sup>th</sup> November 2021 and the meeting at Bilaspur on 25<sup>th</sup> November 2021

- A. Physical verification of progress as on 30.11.2021 and Environmental compensations.
- B. Visit to M/s Hindalco Industries Limited -Coal Mines ( Gare Pelma Sector- IV/4&5)
- C. Hearing to M/s Hindalco Industries Limited on environmental compensation and assessment of environmental compensation.
- D. Any other issue with permission to Chairman.

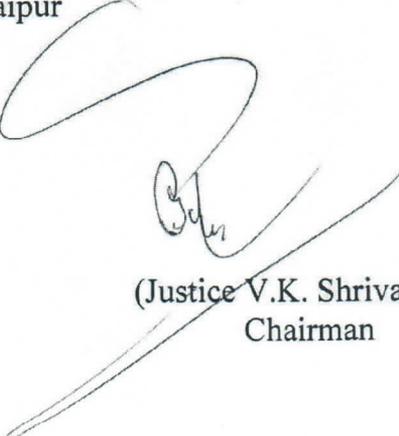
The meeting ended with thanks to Chairman.

  
(Shri. S.K. Verma)  
Regional Officer,  
CECB, Raigarh

  
(Sh. P. K. Gupta)  
Deputy Collector,  
Raigarh

  
(Dr. Bhardwaj Adiraju)  
Scientist 'C' MoEF&CC  
IRO- Raipur

  
(Dr. R.P. Mishra)  
Scientist "D"  
CPCB, Bhopal

  
(Justice V.K. Shrivastava)  
Chairman

**Minutes of the meeting of Oversight Committee  
OA No.104/2018 Shivpal Bhagat & Ors. Vs Union of India & Ors.**

In accordance with decision taken in 4<sup>th</sup> meeting held on 26-27<sup>th</sup> October 2021 at Bilaspur, 5<sup>th</sup> meeting was conducted during 24<sup>th</sup> and 25<sup>th</sup> November 2021 at Raigarh & Bilaspur. Sh. Sharachchandra Lele, ATREE, Bengaluru could not attend the field visit and meeting due to his pre-existing commitments (teaching, research and institution-related). The meeting was attended by members as under-

1. Justice V.K. Shrivastava, Chairman
2. Dr. Paras Ranjan Pujari, Senior Principal Scientist, NEERI, Nagpur
3. Dr. R.P. Mishra Scientist "D" Central Pollution Control Board, Bhopal
4. Dr. Bhardwaj Adiraju Scientist 'C' MoEF&CC, IRO Raipur
5. Sh. P. K. Gupta, DC, Raigarh
6. Sh. S.K. Verma, Regional Officer, CECB, Raigarh

The agenda of the meeting was:-

- A. Physical verification of progress as on 30.11.2021 and Environmental compensation.
- B. Visit to M/s Hindalco Industries Limited -Coal Mines (Gare Pelma Sector- IV/4&5)
- C. Hearing to M/s Hindalco Industries Limited on environmental compensation and assessment of environmental compensation.
- D. Any other issue with permission to Chair.

1. Physical verification of progress as on 30.11.2021 and Environmental

## Compensation

Visit of CSPGCL Coal Mines ( GarePelma Sector –III) - The field visit of oversight committee dated 17.03.2021 has observed dumping of OB on both sides of public road. In accordance with recommendation of the report mine site was visited on 24.08.2021 by Chairman and members of the new committee. During visit it was found that OB dump on one



side (Pic-02) of the road was located at approximately 80m distance from road side but OB dump all along road was not within prescribed distance, even on many places it is adjacent to road. Dump process is still continuing. We saw a number of coal loaded trucks passing through this road and also this road is under use of the lessee. Villagers assembled there and applicant's representatives have stated there that because of dump and traffic in road this place has been declared as accidental zone and within a year around 10 persons have been killed in accident. Road condition is very bad. Although in one side Provision of check drains have been seen but appears to be not having width of adequate size, the sludge or waste materials along with water is passing through the agricultural fields and is terminating in nallah. (Subsequently we come to know that this is not a Nala but River) (O.B. Dump in CGSPGCL mine at Gare Palma sector 3 observed on field visit during 15-17 March 2021 on both sides of Public Road). This public road is within the mining area and as stated and shown by company officers present there as per mining plan road is to be diverted. For OB dump use of 25% of fly ash is compulsory but lessee did not complied the directions of notification 2009. Although in one side Provision of check drains have been seen but in other side there appears no provision of check drains and garland drains have been made to ensure that the sludge or waste materials does not go into the nullah. (Subsequently we come to know that this is not a Nala but River)

For environmental compensation and for remedial measure CGSPGCL, was required to be heard on Maintenance of Public Road, on illegal OB dump, non use of flyash, non construction of garland drains and proper settling tanks, Sludge and waste materials passing through agricultural field destroying crop production going to Nallah. (Subsequently we come to know that this is not a Nala but River) therefore the mine authorities were instructed to present in hearing meeting on 14<sup>th</sup> September 2021 at Bilaspur with approved mining plan/ copy of EC/ permission

from DGMS and CTE / CTO issued by Chhattisgarh Environment Conservation Board, Raipur.

**Environment compensation hearing dated 14<sup>th</sup> September 2021. Heard, Chhattisgarh State Power Generation Company Limited Coal Mines (Gare Pelma Sector –III) -**

The field visit of oversight committee dated 17.03.2021 has observed dumping of OB on both sides of public road. In accordance with recommendation of the report mine site was visited on 24.08.2021 by Chairman and members of the new committee. During visit it was found that OB Dump has been made on both sides of road even in some places adjacent to road. This public road is within the mining area and as stated and shown by companies officer present there, as per mining plan road is to be diverted. For OB dump use of 25% of fly ash is compulsory but lessee did not complied the directions of notification 2009. For Mining operation roads with the mines area is to be constructed by the lessee and lessee has to divert public roads, at his own cost to facilitate scientific mining. We saw a number of coal loaded trucks passing through this road and also this road is under use of the lessee. Condition of the road is bad. The mine authorities were present in hearing meeting with approved mining plan/ copy of EC/ permission from DGMS and CTE / CTO issued by Chhattisgarh Environment Conservation Board, Raipur.

The representatives of CSPGCL presented the mining plan in which location of the OB dump is sited on the same place subject to diversion of PWD road passing between lease areas. They stated that CSPGCL has deposited required amount with PWD, Raigarh for diversion of the road. There is no material to know whether PWD is diverting the road or not and if they intend to divert the road, by which time they may start and complete the diversion. Hence storage of OB dump near to public road may create danger to public passing through the road. In this context committee was of the opinion that CSPGCL shall maintain minimum distance of 50 meters on both side the road and provide physical barrier all along the road in lease area to protect

the public from accident as well as fugitive emission. CSPGCL shall also provide adequate garland drain along with OB dump with sufficient number of settling ponds. CSPGCL shall obtain necessary permission from DGMS and CECB and see that as per notification 2009 utilization of 25% of fly ash OB dump shall be followed.

The mine authorities has accepted the suggestion and assured for construction of physical barrier of steel sheet mounted on iron structure up to a height of minimum 3m at 50m distance from road on both side of road along full road length in leased area. The said construction has to be completed on or before 30<sup>th</sup> November 2021. The mine authority shall also maintain PWD road to a length falling in their mining lease area.

On verification visit dated 24-11-2021 we found that construction of physical barrier of steel sheet mounted on iron structure was in progress. Mines authorities present there stated that further minimum 15 days time may take to complete the work. They also apprised that CSPGCL could not obtain necessary permission from DGMS for compliance of notification 2009 utilization of 25% of fly ash. M/s CSPGCL vide its letter dated 18.11.2021 requested to DGMS for obtaining permission to use fly ash in its OC mine Gare Pelma sector-III as per study report submitted by CIMFER. Director of Mine Safety, Raigarh vide its letter dated 23.11.2021 has restricted fly ash dumping in the opencast working till submission of clarification for factor of safety (FOS) and suitable geometry of in pit and external dump design by scientific agency.

**Violations of environmental conditions and directions as noted above brings the Chhattisgarh State Power Generation Company Limited Coal Mines (Gare Pelma Sector –III) under four corners for payment of Environmental compensation.**

The environmental compensation (EC) is based on the following formula-

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

Where,

$$EC= \text{Environmental Compensation in Rs}$$

PI= Pollution Index of Industrial Sector

N= Number of days of violation took place

R= A factor in Rs

S= Factor for scale of operation

LF= Location Factor

Note-

1. Average Pollution Index (PI) 80 has been taken considering Coal Mine & TPP in Red category of Industry
2. N, Number of days for which violation took place is period between the day violation observed and due date of compliance is taken as 30.11.2021 ( As the status report is up to 30.11.2021)
3. R, A factor in Rs is taken 250 only
4. S, Factor of scale of operation 1.5 as coal mines and TPP are large scale units.
5. LF, has been taken 1.0 for population less than one million

Environmental compensation is calculated as under-

- The CTO issued on 23.10.2020 has condition of fly ash utilization in stowing.
- Consent condition was amended on 22.06.2021 for utilization of fly ash in OB dump.
- Date of first observation of non-compliance- 17.03.2021
- Last date taken for assessment- 30.11.2021
- Number of days for non-compliance- 253 days

**EC in Rs. 75,90,000/- (Seventy five lakhs ninety thousand)**

2. Visit of M/s Ambuja Cement Coal Mines ( GarePelma Sector- IV/8)- The field visit of oversight committee dated 17.03.2021 has observed

dumping of OB on both sides of public road. In accordance with recommendation of the report mine site was visited on 24.08.2021 by Chairman and members of the new committee. During visit of the committee OB dumping was observed on both side of the road (Pic-03). This public road is passing through the mines area and



utilized by public, Mines operator and coal transporters. No garland drains with proper settling tanks have been constructed. 25% of fly ash as required in 2009 notification for OB dump has not been done. We saw number of coal loaded trucks passing through this road, Road condition is very bad. Ambuja Cement Ltd to be heard on Maintenance of Public Road, on illegal OB dump, non use of flyash, non construction of drains and proper settling tanks. The mine authorities were instructed to present in hearing meeting on 14<sup>th</sup> September 2021 at Bilaspur with approved mining plan/ copy of EC/ permission from DGMS and CTE / CTO issued by Chhattisgarh Environment Conservation Board, Raipur.

**Heard, M/s Ambuja Cement Limited Coal Mines (Gare Pelma Sector – IV/8) on Environment compensation on 14<sup>th</sup> September 2021**

The field visit of oversight committee dated 17.03.2021 has observed dumping of OB on both sides of public road. In accordance with recommendation of the report mine site was visited on 24.08.2021 by Chairman and members of the new committee. During visit it was found that OB dump was located very near to road side which was creating danger to public and transport moving on road. The mine authorities were present in hearing meeting on 14<sup>th</sup> September 2021 at Bilaspur with approved mining plan/ copy of EC/ permission from DGMS and CTE / CTO issued by Chhattisgarh Environment Conservation Board, Raipur.

The representatives of M/s Ambuja Cement Limited presented the mining plan in which location of the OB dump is sited at distance of minimum 45m from road side subject to diversion of PWD road passing between lease areas. Officials of M/s Ambuja Cement Limited stated that they have deposited required amount with PWD, Raigarh for diversion of the road but there is no material to know whether PWD is diverting the road or not and if they intend to divert the road, by which time they may start and complete the diversion. Hence storage of OB dump near to public road may create danger to public passing through the road. In this context committee was in opinion that M/s Ambuja Cement Limited shall maintain minimum distance of 50 meters on both side the road and provide physical barrier all along the road in lease area to protect the public interest from accident as well as fugitive emission. M/s Ambuja Cement Limited shall also provide adequate garland drain along with OB dump with sufficient number of settling ponds. M/s Ambuja Cement

Limited shall obtain necessary permission from DGMS and CECB and see that as per notification 2009 utilization of 25% of fly ash in OB dump shall be followed.

The mine authorities has accepted the suggestion and assured for construction of physical barrier of steel sheet mounted on iron structure up to a height of minimum 3m at 50m distance form road on both side of road along full road length in leased area. The said construction has to be completed on or before 30<sup>th</sup> November 2021. The mine authority shall also maintain PWD road to a length falling in their mining lease area.

**On verification visit dated 24-11-2021 we found that construction of physical barrier of steel sheet mounted on iron structure was in progress. Mines authorities present there stated that further minimum 15 days time may take to complete the work. They also apprised that they could not obtain necessary permission from DGMS for compliance of notification 2009 utilization of 25% of fly ash.**

**Violations of environmental conditions and directions as noted above brings the M/s Ambuja Cement Limited Coal Mines (Gare Pelma Sector –IV/8) under four corners for payment of Environmental compensation.**

The environmental compensation (EC) is based on the following formula-

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

Where,

EC= Environmental Compensation in Rs

PI= Pollution Index of Industrial Sector

N= Number of days of violation took place

R= A factor in Rs

S= Factor for scale of operation

LF= Location Factor

Note-

1. Average Pollution Index (PI) 80 has been taken considering Coal

### Mine & TPP in Red category of Industry

2. N, Number of days for which violation took place is period between the day violation observed and due date of compliance is taken as 30.11.2021 ( As the status report is up to 30.11.2021)
3. R, A factor in Rs is taken 250 only
4. S, Factor of scale of operation 1.5 as coal mines and TPP are large scale units.
5. LF, has been taken 1.0 for population less than one million

Environmental compensation is calculated as under-

- 
- The CTO issued on 23.10.2020 has condition of fly ash utilization in OB dump and stowing.
- Date of first observation of non-compliance- 17.03.2021
- Last date taken for assessment- 30.11.2021
- Number of days for non-compliance- 253 days

EC in Rs. 75,90,000/- (Seventy five lakhs ninety thousand)

**EC in Rs. 75,90,000/- (Seventy five lakhs ninety thousand)**

### **3. M/s Hindalco Industries Limited – COAL MINES ( Gare Pelma IV/4 & 5)**

The committee has also visited the site of M/s  Hindalco Industries Limited coal mine on 24<sup>th</sup> November 2021 and found that The mines is divided in two parts. In both parts mines operation is continuing. Back filling was also being done without utilizing fly ash. OB Dump has also been created without utilizing fly ash. Green belt has not been developed, however in OB dump they have planted some ornamental plant like GUL MOHAR, some fruit plant like mango, Guava etc. these plants are very small and their survival is under question. Trees to be planted in green belt or otherwise in mines area are not planted. We could not find garland drain along OB dump and settling ponds. From officials present we could come to know that coal



extracted from here is supplied to their captive power plant situated in ORISSA. When they have their own power plant, they are also producing fly ash but are not utilizing their fly ash here in their mines in back filing or in OB dump even they did not tell how they are disposing their own fly ash. M/s Hindalco Industries Limited – COAL MINES ( Gare Pelma IV/4 & 5) has been directed to be present to defend their liability to pay environmental compensation in environmental compensation hearing on 25.11.2021 at Bilaspur with all relevant documents.

**Heard M/s Hindalco Industries Limited – COAL MINES ( Gare Pelma IV/4 & 5) on 25-11-2021 on assessment of environmental compensation.**

Representatives from M/s Hindalco Industries Limited –COAL MINES (Gare Pelma IV/4 & 5) appeared and contended that they have on mobile connectivity contacted DGM for permission and guidance for utilization of fly ash, who gave a date for their inspection. They stated that after getting permission from DGM they may take steps to utilize Fly ash in back filling and OB Dump.

The mine is found divided in two parts. In both parts mines operation was continuing. Back filling was also being done without utilizing fly ash. OB Dump has also been created without utilizing fly ash. Green belt has not been developed, however in OB dump they have planted some ornamental plant like GUL MOHAR, some fruit plant like mango etc. these plants are very small and their survival is under question. We could not find garland drain along OB dump and settling ponds. From officials present we could come to know that coal extracted from here is supplied to their captive power plant situated in ORISSA. When they have their own power plant, they are also producing fly ash but are not utilizing their fly ash here in their mines in back filing or in OB dump even they did not tell how they are disposing their own fly ash.

M/s Hindalco Industries Limited was to provide adequate garland drain along with OB dump with sufficient number of settling ponds to ensure suspended solid free discharge of storm water in rainy season. Hindalco Industries Limited was to comply with the provisions of notification 2009

for utilization of 25% of fly ash in OB and back filling. They were also required to develop proper Green Belt.

In view of the above non-compliance Environmental compensation is calculated as under-

The environmental compensation (EC) is based on the following formula-

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

Where,

EC= Environmental Compensation in Rs

PI= Pollution Index of Industrial Sector

N= Number of days of violation took place

R= A factor in Rs

S= Factor for scale of operation

LF= Location Factor

Note-

1. Average Pollution Index (PI) 80 has been taken considering Coal Mine & TPP in Red category of Industry
2. N, Number of days for which violation took place is period between the day violation observed and due date of compliance is taken as 30.11.2021 ( As the status report is up to 30.11.2021)
3. R, A factor in Rs is taken 250 only
4. S, Factor of scale of operation 1.5 as coal mines and TPP are large units. scale
5. LF, has been taken 1.0 for population less than one million

- The CTO issued on 02.01.2020 has condition of fly ash utilization in OB dump and stowing.
- Date of first observation of non-compliance- 02.01.2020
- Last date taken for assessment- 30.11.2021
- Number of days for non-compliance- 698 days

EC in Rs. 2,09,40,000/- ( Two Crore, nine lakhs forty thousand)

4. **Visit of Gare Palma IV/01 OC Mines- The captive power plant of M/s Jindal Steel & Power Limited,** Dongramau has permission for disposal of its

fly ash in Gare Palma IV/01 open cast mines. During visit of the committee on 24<sup>th</sup> August 2021 it was observed that fly ash mixed with OB being disposed near Nalah passing in mining lease area. (PIC- 07) The distance between disposal site and Nalah seems to be less than 500m and during rainy season fly ash may take a way to River kelo through Nalah. The issue has been considered as negligence in selection of site and M/s JSPL has been directed to be present in environmental compensation hearing meeting on 15.09.2021 at Bilaspur with all documents EC, Consent and quantity of fly ash disposed and remediation proposal if any.



On environmental compensation hearing representative from JSPL were present who have been heard and findings recorded that captive power plant of M/s Jindal Steel & Power Limited, Dongramau has permission for disposal of its fly ash in Gare Palma IV/01 open cast mines. During visit of the committee on 24<sup>th</sup> August 2021 it was observed that fly ash mixed with OB being disposed near drain/ Nala ( a watercourse) passing in mining lease area. The distance between disposal site and drain seems to be less than 500m and during rainy season fly ash may take a way to River Kelo through drain/ Nala ( a watercourse). The issue has been considered as negligence in selection of site and M/s JSPL has been directed to shift the same on or before 30.11.2021.

On verification on 24-11-2021 we found that fly ash mixed with OB being disposed near drain/ Nala (a watercourse) passing in mining lease area has been removed.. M/s JSPL vide its letter dated 28.10.2021 addressed to Regional Officer, Chhattisgarh Environment Conservation Board, Raigarh



has informed about removal of OB on 24.10.2021. The committee has also visited the site on 24<sup>th</sup> November 2021 and found that all OB dump was removed from the site. In view of noncompliance from 24<sup>th</sup> August 2021 to 24<sup>th</sup> October 2021 (62 days) EC may be imposed.

In view of the above non-compliance Environmental compensation is calculated as under-

The environmental compensation (EC) is based on the following formula-

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

Where,

EC= Environmental Compensation in Rs

PI= Pollution Index of Industrial Sector

N= Number of days of violation took place

R= A factor in Rs

S= Factor for scale of operation

LF= Location Factor

Note-

1. Average Pollution Index (PI) 80 has been taken considering Coal Mine & TPP in Red category of Industry
2. N, Number of days for which violation took place is period between the day violation observed and due date of compliance is taken as 30.11.2021 ( As the status report is up to 30.11.2021)
3. R, A factor in Rs is taken 250 only
4. S, Factor of scale of operation 1.5 as coal mines and TPP are large units. scale
5. LF, has been taken 1.0 for population less than one million

Date of observation of noncompliance- 15.09.2021

Date of observation of compliance – 24.10.2021

Hence EC (in Rs) = 30,000 X 39 = 11,70,000/- (Eleven Lakhs seventy thousand Only)

#### **5. M/s Jindal Power Limited, Tamnar, Raigarh-**

It was reported in over sight committee visit on 17.03.2021 about leakage of fly ash slurry from ash dyke of M/s Jindal Power Limited. The committee had suggested M/s JPL to conduct study through a research organization of national repute to determine the stability of the existing

ash dyke and take measures required to strengthen as needed. In order to take the status, the oversight committee once again visited the sight on 24<sup>th</sup> August 2021. Although spot shown by the officials of the JPL we could not observe leakage on that area from the dyke but we are not sure about other part of the dyke. The committee has discussed in details about process adopted for repair of the leakage and directed M/s JPL to submit the authentic report about strength of repairing undertaken and the stability report of the existing ash dyke from research organization of national repute on or before 30-11-2021.

JPL after complying the direction have submitted stability report conducted by NIT Raipur but did not file any documents to show details about process adopted for repair of the leakage or to establish repair conducted by competent person/ authority therefore is liable for Environmental compensation from 17-03-2021 to 24-08-2021

In view of the above non-compliance Environmental compensation is calculated as under-

The environmental compensation (EC) is based on the following formula-

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

Where,

EC= Environmental Compensation in Rs

PI= Pollution Index of Industrial Sector

N= Number of days of violation took place

R= A factor in Rs

S= Factor for scale of operation

LF= Location Factor

Note-

1. Average Pollution Index (PI) 80 has been taken considering Coal Mine & TPP in Red category of Industry
2. N, Number of days for which violation took place is period between the day violation observed and due date of compliance is taken as 30.11.2021 ( As the status report is up to 30.11.2021)
3. R, A factor in Rs is taken 250 only
4. S, Factor of scale of operation 1.5 as coal mines and TPP are

large units.scale

5. LF, has been taken 1.0 for population less than one million
  - The Environmental condition has been violated from 17-03-2021
  - Date of first observation of non-compliance- 17-03-2021
  - Date of compliance taken for assessment-24-08-.2021
  - Number of days for non-compliance- -161days
  - Determination of Environmental Compensation ( EC)
  - Hence EC (in Rs) = 30,000 X161 = 48, 30,000/- ( Forty Eight Lakhs Thirty thousand Only)

6. Shri Sharachchandra Lele, One of the member has vide postal communication dated 04-Aug2021 raised two points for consideration but after first meeting did not turn up to prosecute these points therefore in his absence we are constrained to take those points for considerations.

7. Shri (Dr.) Sharachchandra Lele's contention in brief is that "their recommendation regarding is continuing no further disposal of flyash in low lying area has been accepted by Hon'ble NGT in order dated 27-02-2020 but it appears that dumping is continuing and Hon'ble NGT's order dated 27-11-2020 inadvertently introduced some confusion by saying that "the applicant has given suggestion to the effect that flyash dumping in low- lying area should be insured . Hon'ble NGT in its order dated 27-02-2020 has considered the recommendations. In para 4 has mentioned that "We find that the recommendations are based on relevant studies and need to be considered by the power plants and mines in the area for protection of environment and public health and environmental rule of law. In para 5 have made reference to applicants contentions and passed order in para 6. So far as Order dated 20-11-2020 passed by Hon'ble NGT is concerned Hon'ble NGT in para 6 stated that "Further the applicant has given suggestions by way of written submissions filed on 18-11-2020, inter alia to the effect that contaminated sites be seen, fly ash dumping in low – lying areas be ensured and such

dumping should not be in unscientific manner. The legacy fly ash dumps may be remediated. Hon'ble NGT after quoting submissions of the applicants have ordered that "The above suggestions may be duly considered by the concerned authorities and the committee which may be co-ordinated by CPCB. In view of the above we did not find any substance to revise our recommendation again.

8. Another grievance raised by Shri ( Dr.)SharachchandraLele is that there was no discussion about the content of the new ToR during the March field visit or meeting in Collector's office nor any discussions regarding to whom to invite for the study. The 30<sup>th</sup>March letter to NEERI was issued without any decision to that effect having been taken by the committee. His further grievance is that NEERI is also represented on the Oversight Committee therefor there is an apparent conflict of interest in the Oversight Committee commissioning NEERI to carry out the study. After study when report is to be vetted again conflict of interest will take place. Further contentions is that the ToR sent to NEERI has not been framed by the Committee to cover clear picture of carrying capacity.
9. Shri (Dr.) Sharachchandra Lele, PhD himself has recognized National Environmental Engineering Research Institute an excellent nationally recognized research organization in this field. Recommendations made by the Committee from time to time and concurrence given to the same by Hon'ble NGT from time to time , does not require to made any further recommendation contrary to earlier given.

**10. EXECUTION APPLICATION FILED BY APPLICANTS BEFORE HON'BLE NGT NO.11 OF 2021.** Shivpal Bhagat Applicant No. 1 in OA No. 104/2018has filed application seeking compliance and execution of order dated 27-02-2020 passed by Hon'ble NGT. On 20-10-2021 only one E-mail received having 2 letters. In one E-Mail learned counsel for the applicant has disclosed that "Albeit filed, EA 11/2021 was not on board on the said date. However, during the hearing, an oral submission on behalf of the applicant had been made with regard to submitting the attached application for considering by Ld.Committee.In furtherance to the submission, please find below the application that has been so filed.

We bring to your kind attention that the same had been forwarded on an earlier occasion as well. It is requested that the submission of the applicant be also considered by the Committee while formulating a report as per the orders of the Hon'ble NGT."In another letter they have written that "we had filed the above mentioned Execution application before the Hon'ble Tribunal seeking compliance and execution of order dated 27-02-2020 passed by Hon'ble Tribunal in Original application. The contents of the Execution application were brought to the notice of the Hon'ble Tribunal and it was opined by the hon'ble Tribunal that since the committee has taken cognizance of the matter, it would be appropriate that the issue raised in the Execution Application be considered by the committee. In light of the above, you are requested to consider the Execution Application attached herein below as representation on behalf of Applicant No. 1.

**11.** This execution application is pending before Hon'ble the NGT for determination, consideration and decision. There is no order from the Hon'ble NGT, to consider this execution application as representation of applicant no. 1 and to consider while formulating a report. The matter is sub judice therefore we do not find it appropriate to consider while formulating our report. In view of the above, the prayer made by the applicant to consider this execution application as representation of applicant no. 1 and to consider while formulating a report stands disposed of.

**12. APPLICATIONS SAID TO BE FOR DAMAGES :-** RO Raigarh on 24-11-2021 shown some of the photocopies of villagers applications. He was asked to present those photocopies on 25-11-2021 for consideration in meeting and advised to call concerned patwari if available. On 25-11-2021 Patwari Parmeshwar Netam attended the meeting to whom those papers have been given for verification. Some of the application falling in his jurisdiction, he after verifying his record reported "not related to personal land". On scrutinizing all those application, they are not found in order and appear to be not related to environmental compensation, accordingly those applications stands disposed of.

**Part-A Shortterm Action Plan:-**

- (1) Whether CECB amended the consent conditions of all TPP and Coal mines. –

**Complied**

- (2) Whether M/s Ambuja Cement Coal Mines, M/s Hindalco Limited Coal Mine and M/s CSPGCL (Chhattisgarh State Power Generation Company Limited) Mines are accepting fly ash for disposal through OB and back filling.

Not accepting the fly ash, CECB has asked them to obtain permission from DGMS for fly ash backfilling on or before 31<sup>st</sup> August 2021. After due considerations and due hearing they have been assessed with Environmental compensation for violation of environment conditions,

- (3) WhetherCECBconstitutedStatelevelCommitteetolook into Scientific Utilization of fly ash in the Chhattisgarh State? –

Oversight committee in its meeting dated 27.11.2020 has decided to write Chairman, CECB for constitution of State level Committee for permitting about utilization of fly ash for reclamation of low lying areas and in stowing of abandoned mines/queries only after ensuring the implementation of guidelines prepared by CPCB as per MoEF&CC notification No.SO 763(E) dated 14-09-1999. The decision was taken for giving effect to observations made by Hon'ble NGT in para 6 oftheir orders 20.11.2020.

*“Further, the applicant has given suggestions by way of written submission filed on 18.11.2020, inter-alia to the effect **that contaminated sites be seen, fly ash dumping in low-lying areas be ensured and such dumping should not be in unscientific manner. The legacy fly ash dumps be remediated. Air and land pollution due to***

*fire in the coal mines be remedied. Coal transportation by trucks must be done on scientific basis 13 and transportation by conveyor belts be preferred. Road maintenance be improved. Continuous Ambient Air Quality Monitoring Station (CAAQMS) be installed. Steps be taken for recharge of the ground water. Water supply to the concerned villages be provided by pipes.”*

In this context Nodal Officer of the oversight committee has written a letter to Chairman, CECB on 26.02.2021(RD/BPL/NGT OA-104/2018/202) for constitution of State level committee for utilization of fly ash for reclamation of low lying area, and in stowing of abandoned mines/quarries.

In this context, Member Secretary, CG Environment Conservation Board, Raipur, appraised us that State level committee has been constituted a long back and now has been reconstituted on 24.01.2019. This reconstituted committee is termed as monitoring committee constituted by Chhattisgarh Government to monitor the utilization of Fly ash in accordance to MoEF&CC notification SO 2804 (E) dated 03.11.2009. This committee is also responsible to ensure implementation of clauses 7, 8(i) & 8 (ii) of MoEF&CC notification SO 2804 (E) dated 03.11.2009 which reads as:-

*“(7) No agency, person or organization shall within a radius of hundred kilometers of a coal or lignite based thermal power plant under take or approve or allow reclamation and compaction of low-lying areas with soil; only fly ash shall be used for compaction and reclamation and they shall also ensure that such reclamation and compaction is done in accordance with the specifications and guidelines laid down by the authorities mentioned in sub-paragraph (1) of paragraph 3.*

*(8)(i) No person or agency shall within fifty kilometers (by road) from coal or lignite based thermal power plants, undertake or approve stowing of mine without using at least 25% of fly ash on weight to weight basis, of die total stowing materials used and this shall be done under the guidance of the Director General of Mines Safety (DGMS);*

*Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in subparagraph (10) for this purpose.*

*(ii) No person or agency shall within fifty kilometers (by road) from coal of lignite based thermal power plants, undertake or approve without using at least 25% of fly ash on volume to volume basis of the total materials used for external dump of overburden and same percentage in upper benches of back filling of opencast mines and this shall be done under die guidance of the Director General of Mines Safety (DGMS);*

*Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in subparagraph (10) for this purpose.”*

When there is already one statutory committee for monitoring and facilitating implementation of notification at the respective State Government level, there appears no need for constitution of another committee for the same work in the same field.

- (4) Whether as per precondition of SOP Power plant/land owner / agency have obtained statutory permission from regulatory authority SPCB.

**After SOP 28-08-2019 issued by MoEF&CC. In compliance of guidelines issued by CPCB clause 5.2 in cases of Reclamation of low lying area using fly ash permission from regulatory authorities such as SPCB as per the requirement .If non compliance is reported, in that case competent authorities may take appropriate decision.**

- (5) Whether M/s Hindalco Limited is providing tap water in villages Kondkel in co-ordination with PHED.

**Complied** ( M/s Hindalco Limited has started Giving water to Villagers of Kondkhel and more over NEERI, Nagpur in its report informed about normal depth of ground water level in the village)

- (6) Whether CCTV has been installed by M/s HINDLCO Industries Limited, SECL Gare Palma IV/2 &3, M/s Ambuja Cement Coal Mines, M/s CSPGCL Coal Mines.

**Complied. CCTV should have connectivity with CECB.**

- (7) Whether CAAQMS has been installed in all coal mines having its connectivity with CPCB/CECB servers.

***M/s CSPGCL mine has installed two CAAQMS and remaining is not complied. May its installation takes time but on this excuse***

*concerned proponents are not entitled for excuse. CECB to issue directions to concerned proponents.*

- (8) Whether IRCON has completed work, 14 KM rail line from Gharghoda-Bhalumunda-Gare Palma and 5 number of coal siding in Tamnar and Gharghoda area.

**To be Completed by December 2021.**

- (9) Whether proper repair and maintenance of Road have been done outside the mine area by PWD and mining companies.

*Not Complied, Penalty/Fine levied on Principal Secretary, PWD, State of Chhattisgarh.*

- (10) Whether proper and free health facilities with multi speciality treatment systems have been provided in all coal mine adjacent villages.

*Not Complied, Penalty/Fine levied on Principal Secretary, Health Department, State of Chhattisgarh.*

- (11) Whether MoEF&CC has submitted compiled response received from coal mines relating to Green Belt developments as per EC conditions.

*Yes. On Papers although Project Proponents have tried to show that they are doing the plantation work, but there is distinction between plantation and Green belt development therefore as per mining plan coal mines shall develop green belt and on OB dumps shall grow prescribed species of tree and as per CPCB guide lines 2019 TPP shall develop green belt.*

- (12) Whether CMD SECL issued any permission for utilization of abandoned mines for disposal of fly ash.

*CECB vide its letter number 318 dated 10.05.2021 has made allotment of fly ash disposal in void of Domnara OC mine (Abandoned) of Raigarh but no progress observed on ground, Only one abandoned mine is there for filling of fly ash but the same has been allotted to five companies situated in different area and with different quantities. This allotment has been done in complete violation of “GUIDELINES OF CIL OFFERING MINES VOIDS FOR FLY ASH DISPOSAL The guidelines is a complete code and following that only mines was required to be allotted and compliance should have been made. CECB should ask Coal India Ltd to follow their own guidelines from inception of allotment of Mine void till disposal of fly ash and after closure of the site till reclamation.*

- (13) Whether Carrying Capacity Study in the area has been completed by Chhattisgarh Environment Conservation Board.

*No. Negotiation between NEERI and CECB is in progress,*

**PART-B LongtermAction Plan:-**

Shall be considered on next meeting.

**PART -C ENVIRONMENTAL COMPENSATION**

**Hon’ble NGT has directed that the Oversight Committee may make assessment of compensation for the violations on the basis of which the statutory State Board may take further action, following due process of law.**

Environmental Compensation *Penalty/Fine* have been calculated for non-complying industries and departments. The details are as under-

| Sl. | Name of the industry / department | <i>Penalty/Fine</i> |
|-----|-----------------------------------|---------------------|
|-----|-----------------------------------|---------------------|

| No  |                                                                        | EC amount in Rs |
|-----|------------------------------------------------------------------------|-----------------|
| 01  | Principal Secretary Public Works Department<br>Chhattisgarh Government | 1,00,00,000     |
| 02  | Principal Secretary State Health Department<br>Chhattisgarh Government | 1,00,00,000     |
| 03  | M/s TRN Energy Private Limited,<br>NawaparaRaigarh                     | 1,82,40,600/-   |
| 04  | M/s Mahavir Energy and coal beneficiation<br>Limited                   | 1,42,90,000/-   |
| 05  | M/s Hindalco Industries Limited Coal Mine                              | 2,09,40,000/-   |
| 06  | M/s Ambuja Cement Limited Coal Mine (GP<br>IV/8)                       | 75,90,000/-     |
| 07  | M/s Jindal Steel & Power Limited,<br>Dongramau, Tamnar                 | 11, 70,000/-    |
| 08  | M/s Chhattisgarh State Power Generation<br>Company Limited             | 75,90,000/-     |
| 09. | M/s Jindal Power Ltd, Tamnar                                           | 48,30,000/-     |

Environmental Compensation against TRN Energy PVT. LTD. have been calculated for damage to property of individuals. The details are as under-

| S.No. | Name & address of claimant     | Affected khasra No | Affected area Hectare | Amount in Rs |
|-------|--------------------------------|--------------------|-----------------------|--------------|
| 01    | Sh.<br>GhuraoramRathiaNawapara | 381/01             | 0.076                 | 7030         |
| 02    | Sh. HarcharanRathia &          | 09/01              | 4.411                 | 4,08,017.5   |

|                     |                                    |        |       |                                                    |
|---------------------|------------------------------------|--------|-------|----------------------------------------------------|
|                     |                                    |        |       | allowed only<br>Rs.1,11,000/-<br>as claimed.       |
|                     | Sh. Malik Ram Rathia<br>Kantagdeeh | 09/02  | 1.895 | 175287.5<br>allowed<br>Rs.1,11,000/-<br>as claimed |
| 03                  | Sh. Karam Singh Rathia             | 401/01 | 0.101 | 9342.5                                             |
| Total Affected area |                                    |        | 6.483 | 599677.5                                           |

### Agenda for meeting during 6-7<sup>th</sup> December 2021 at Bilaspur-

In order to summaries the status as on 30.11.2021 in the matter, and to make recommendation on short term measure and long term measures and other matters, committee has decided to conduct the final meeting at Bilaspur during 6-7<sup>th</sup> December 2021.

The meeting ended with thanks to Chairman.

  
(Shri. S.K. Verma)  
Regional Officer,  
ECB, Raigarh

(Sh. P. K. Gupta)  
Deputy Collector  
Raigarh

  
(Dr. Bhardwaj Adiraju)  
Scientist 'C' MoEF&CC  
IRO- Raipur

  
(Dr. R.P. Mishra)  
Scientist "D"  
CPCB, Bhopal

  
(Dr. P.R. Pujari)  
Senior Principal Scientist,  
NEERI, Nagpur

  
(Justice V.K. Shrivastava)  
Chairman

|                     |                                    |        |       |                                                    |
|---------------------|------------------------------------|--------|-------|----------------------------------------------------|
|                     |                                    |        |       | allowed only<br>Rs.1,11,000/-<br>as claimed.       |
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| Total Affected area |                                    |        | 6.483 | 599677.5                                           |

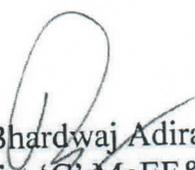
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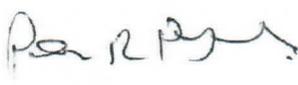
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Regional Officer,  
ECB, Raigarh

  
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NEERI, Nagpur

  
(Justice V.K. Shrivastava)  
Chairman

Item No. 04

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 104/2018  
(I.A. No. 382/2020, I.A. No. 25/2021 & I.A. No. 97/2021)

(With report dated 17.03.2021 & 16.04.2021)

Shivpal Bhagat & Ors.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 24.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Ms. Kanika Agnihotri, Advocate for Applicant no. 1  
Mr. Saurabh Sharma, Advocate for Applicants no. 2 to 6

Respondent: Mr. Raj Kumar, Advocate for CPCB  
Mr. Ashish Kumar, Advocate for M/s Jindal Steel & Power Ltd.

**ORDER**

1. The issue for consideration is the remedial action against pollution caused by the Thermal Power Plants and Coal washeries in Tamnar and Gharghoda blocks of Raigarh District in Chhattisgarh, including M/s Jindal Power Limited, M/s Jindal Power and Steel Limited, M/s TRN Energy Private Limited, M/s Mahavir Energy & Coal Benefaction Limited, M/s. Hindalco Industries Limited and M/s. Monet Energy Limited, SECL. Operation of said units is resulting in contamination of air, water and land and having adverse impact on the environment and the habitants. Water and soil have toxic metals, having potential for health hazard, requiring

monitoring of emissions, making the polluters accountable and regulating the polluting activities.

2. The matter has been considered earlier and under direction of this Tribunal, an Expert Committee furnished its report dated 14.10.2019 after visiting the sites and considering earlier reports on the subject. The Committee considered the mitigation measures required to be adopted by the Thermal Power Plants and the Coal washeries. The Committee found that the issue of ground water depletion, soil pollution, forest loss and livelihood loss were required to be addressed for which short term and long terms measures were suggested. The Tribunal directed remedial action for dealing with the deficiencies accordingly. Further direction was to review the existing arrangements and furnishing a further report. The operative part of directions in the order dated 27.02.2020 is as follows:

*“3. Accordingly, a report dated 14.10.2019 has been filed by the CPCB on behalf of the Committee on 15.10.2019. The Committee visited various sites and considered the earlier reports, including maps and the data of air quality as well as water pollution. The Committee then considered the mitigation measures prescribed and their current status including installation of Electro-Static Precipitators (ESPs) and Fluidized Gas Desulfurizers (FGDs) in the Thermal Power Plants. The committee also considered ground water depletion, soil pollution, forest loss and livelihood loss and after detailed study of various aspects made following recommendations:*

**“4. RECOMMENDATIONS:**

*Based on the above observations, the committee recommends a set of short-term and long-term measures.*

**4.1 Short-term measures**

- a. Requiring all coal mines in Raigarh district to accept fly ash for disposal through OB dump and back-filling. (Action by respective Coal mine companies).*
- b. Given the seriousness of improper fly ash dumping in low lying areas, and the practical difficulty in rigorously monitoring the implementation of the recent SOP in the field, no further disposal of fly ash in low-lying areas by TPP/CPP companies to be permitted and all Gram Panchayats in Raigarh*

*district to be directed to stop issuing NOCs for the same.*

- c. Requiring that whatever coal is being supplied to JPL and JSPL from Gare Palma IV/2&3 should be transported through the already existing **closed conveyor belts** and no such coal transport should be allowed via trucks. (Action by SECL).*
- d. Establishment of monitoring cell by PHED to monitor water quality being used by the residents of villages and provide pretreatment facility and removal of geogenic contaminants and anthropogenic contaminants before its use as drinking water. Specifically, the quality of water treatment in the mine-supported water supply system in village Kondkhel needs to be ensured by PHED as per drinking water norms.*
- e. Installation of adequate number of CCTV and CAAQM stations in coal mining area. Proper records under CCTV coverage shall be maintained by coal mines to ensure movement of covered trucks loaded with coals and regular and comprehensive operation of sprinklers in coal zone, stockyard and all mine roads. CAAQMS shall be connected to CECB/CPCB server, and also displayed on the mine gates for public information. (Action by respective coal mine companies).*
- f. Proper repairing and maintenance of roads both inside and outside the mine area to ensure smooth movement of trucks and other load carrying vehicles. (Action by Public Works Department and respective mining companies). Indian Railways to be directed to submit a time-bound action plan for commissioning of the railway line in Tamnar and Gharghoda blocks to ensure all coal transportation by rail.*
- g. Proper and free health care facilities with multispecialty treatment system may be provided in all coal mine-adjacent villages as per the recommendations of the committee report of 14.6.2019 in the Dukalu Ram (OA 314/2014 CZ) case. (Action by respective coal mine companies).*
- h. Strict vigilance by MOEFCC for green belt development compliance as per EC conditions.*
- i. We also recommend that **no further conversion of UG mines to Open Cast mines** be permitted in Tamnar and Gharghoda, keeping in mind the environmental costs in terms forest loss, major noncompliance in pollution control and social cost (rehabilitation).*

## 4.2 Long-term measures

- a) **Based on evidence summarised above, the committee is of the opinion that the Tamnar-Gharghoda block region is close to exceeding its environmental carrying capacity.** However, the precise extent of current environmental load and the likely impacts of future mining and industrial activities has to be worked out through a detailed and comprehensive **environmental load carrying capacity study, to be carried out by a reputed environmental research institute or a consortium of such institutes over a 24-month period.**
- i) The study must cover dimensions of air pollution (especially PM<sub>2.5</sub>), water pollution and ground and surface water depletion, soil contamination, forest and biodiversity loss, and social and health impacts.
  - ii) Moreover, given the geography of the region, the study must assess the carrying capacity separately for two different subregions: the northern Tamnar (coal mining related) block and Gharghoda block. Moreover, since Chhal open cast mine located in southern Dharamjaigarh block is located on the bank of Mand River and therefore in an eco-sensitive zone, a baseline study of this region may also be carried out. The southern Tamnar subregion has already been studied for environmental load carrying capacity by IIT Kharagpur (report submitted to CECB in 2018) and it has already recommended strict regulation of any further industrial development in particular parts of the sub-region through a high-level committee.
  - iii) Mode of commissioning of this study may please be decided by the Hon'ble NGT, and necessary directions may please be issued accordingly.
- b) **To reduce the pollution and other impacts caused by road transport** of coal and other minerals, directions may be issued that coal transport by road from coal mines or to thermal power plants in these two blocks will be permitted only for 1 year, after which transport must be done by rail or closed conveyor belt only.
- c) **Condition of greenbelt development** may be incorporated at TOR stage of EC application to ensure that greenbelt work shall be in place at the time of final presentation for obtaining EC, which shall be verified by MOEFCC. Further, while granting TOR, EAC should specify the location of the greenbelt to provide buffer

between coal mine and human settlements, and specify a sufficient width of the greenbelt for the same.

- d) Ministry of Coal be directed to include the necessary provisions **to ensure the acceptance of fly ash** in coal mines for disposal through OB dump and back-filling as per fly ash notification of 2009.”

4. We find that the recommendations are based on relevant studies and need to be implemented by the concerned power plants and mines in the area for protection of environment and the public health and the environmental rule of law.

5. The applicants have, while broadly expressing satisfaction with the report, made certain suggestions. First suggestion of the applicants is that carrying capacity assessment must be expeditiously carried out and till such assessment is done, expansion and new projects should be only after thorough evaluation. Further suggestion is that there should be a mechanism to oversee the remedial measures, including oversight of health mitigation measures suggested by the Committee.

6. **We are of the view that since serious deficiencies have been found and there is potential for damage to the environment as observed in the report, the ‘Precautionary’ and ‘Sustainable Development’ principles require that any further expansion or new projects in the area should be allowed after thorough evaluation only and mechanism for remedial measures should be in place, including oversight of measures for health mitigation. The Committee already constituted in terms of order of this Tribunal dated 22.07.2019 will act as an Oversight Committee. The nodal agency for the purpose will be the CPCB. Meeting of the Committee may be held at least once in two months or at such interval as may be decided by the Committee. Mitigation measures for health issues may be overseen by the Principal Secretary, Health, Govt. of Chhattisgarh. For this purpose, the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary, Health, Govt. of Chhattisgarh will be at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds. The Committee may give a status report on the issue as on 30.06.2020 by 15.07.2020 by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in). The Oversight Committee may issue appropriate directions to the project proponents for other remedial measures.**

7. **The above report may be looked into and acted upon by the Ministry of Coal as well as MoEF&CC for such further action as may be necessary.”**

3. The matter was last considered on 20.11.2020 in the light of CPCB report dated 17.11.2020 giving the compliance status with reference to

directions of this Tribunal in a tabular form and also making further recommendations inter alia on the subjects of providing health facilities for the victims, construction of roads and availability of abandoned coal mines. Accordingly, the Tribunal issued directions to the Health and PWD Departments of Chhattisgarh Government and South Eastern Coal Fields. The Tribunal also directed consideration of suggestions of the applicants for taking due precautions in the course of dumping in low lying areas. The discussion and recommendations in the said order are reproduced below for ready reference:-

“3. Accordingly, report has been filed by the CPCB on 17.11.2020 giving the status of compliance of the recommendations in a tabular form as follows:

| <b>S. No.</b> | <b>Orders of the Hon'ble NGT from recommendations in the report, November 2019</b>                                                                                                                                                          | <b>Compliance Review Status on 09.11.2020</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>01</b>     | <b>Short term measures</b>                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| a)            | Requiring all coal mines in Raigarh district to accept fly ash for disposal through OB dump and back-filling. (Action by respective Coal mine companies).                                                                                   | Three SECL mines are found complying. Letters were issued to SECL Chaal OC, Monnet Ispat, HINDALCO Limited and M/s Ambuja Cement Ltd. M/s HINDALCO mines informed about no OB dump because of continuous back filling of mined area with OB as per Approved mining plan. M/s Monnet Ispat Mines has been taken over by SECL. No response received from M/s Ambuja Cement Limited. More over CEA vide its letter dated 14.02.2020 has informed about declaration of abandoned mines on recommendation of task force. The list includes 24 abandoned OC mines of Chhattisgarh to be used for filling of fly ash generated from TPP. Process of allocation no of these mines to TPP of Chhattisgarh is under taken by CECB and is on advance stage. Annexure-II |
| b)            | Given the seriousness of improper fly ash dumping in low lying areas, and the practical difficulty in rigorously monitoring the implementation of the recent SOP in the field, no further disposal of fly ash in low-lying areas by TPP/CPP | <b>District Collector of Raigarh has issued letter to concerned department for directing all gram panchayats for not issuing any NOC to use low lying area for disposal of Fly Ash.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|    | <i>companies to be permitted and all Gram Panchayats in Raigarh district to be directed to stop issuing NOCs for the same.</i>                                                                                                                                                                                                                                                                                                                                               | <b>During visit of the committee, disposal of fly ash in low lying area was not observed.</b> Annexure-III                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| c) | <i>Requiring that whatever coal is being supplied to JPL and JSPL from Gare Palma IV/2&amp;3 should be transported through the already existing closed conveyor belts and no such coal transport should be allowed via trucks. (Action by SECL).</i>                                                                                                                                                                                                                         | Based on the observation of CECB, RO, Raigarh, it seems to be complied.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| d) | <i>Establishment of monitoring cell by PHED to monitor water quality being used by the residents of villages and provide pre – treatment facility and removal of geogenic contaminants and anthropogenic contaminants before its use as drinking water. Specifically, the quality of water treatment in the mine-supported water supply system in village Kondkhel needs to be ensured by PHED as per drinking water norms.</i>                                              | The representative of PHED present during visit of the committee has informed that PHED established water testing laboratory at Gharghoda and Raigarh for testing of drinking water quality of the area. Moreover 12 hand pumps, 02 Power pumps and 01 tap water supply have been provided in Kondkel area. (Annexure-IV) The residents of the village has informed about frequent lowering of ground water table due to UG mining activity. Representative of the PHED was also in concurrence with the observation of the villagers. <b>In order to ensure regular and good water quality to villagers the committee has directed M/s Hindalco to provide tap water in village and ensure quality of water in coordination with PHED Raigarh.</b> |
| e) | <i>Installation of adequate number of CCTV and CAAQM stations in coal mining area. Proper records under CCTV coverage shall be maintained by coal mines to ensure movement of covered trucks loaded with coals and regular and comprehensive operation of sprinklers in coal zone, stockyard and all mine roads. CAAQMS shall be connected to CECB/CPCB server, and also displayed on the mine gates for public information. (Action by respective coal mine companies).</i> | - As per field report by CECB, RO, Raigarh it seems that CCTV has been installed by M/s HINDALCO Industries, SECL Gare Palma IV/2 & 3, SECL Chhal. SECL Gare Palma IV/1. At the time of visit M/s Monnet Ispat Mines were not found operational.<br><br>- In case of installation of CAAQMS all the mines have informed that as per mandatory conditions of EC and CTO fixed location ambient air Quality monitoring is being conducted by the units and reports are regularly submitted to MoEF&CC and CECB.                                                                                                                                                                                                                                       |
| f) | <i>Proper repairing and maintenance of roads both inside and outside the mine area to ensure smooth movement of trucks and other load</i>                                                                                                                                                                                                                                                                                                                                    | - Letter issued to PS, PWD, S1/03, Mahanadi Bhawan, Raipur by this office vide number RDB/ NGTOA-                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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| <p>carrying vehicles. (Action by Public Works Department and respective mining companies). Indian Railways to be directed to submit a time-bound action plan for commissioning of the railway line in Tamnar and Gharghoda blocks to ensure all coal transportation by rail.</p> | <p>104/2018/553 dated 07.09.2020. EE PWD was present before committee to appraise the status of PWD roads in the area. <b>Committee has observed very bad road condition in Tamnar and Gharghoda area which seems to be one of the major factors for deterioration of ambient air quality. EE PWD Sh. Khamra has informed the committee about requirement of immediate construction of approximate 111 Km CC road (Raigarh to Dharmajay Garh about 76 Km and Punjipatra to Milupara about 35 Km) but due to budget constraint the work is pending since last several years. More over SECL has paid an amount of 42 Crore to Raigarh PWD for construction of 19 kms, 7m wide tar road from Gharghoda to Jampali in compliance of Hon'ble NGT order.</b></p> <p>- IRCON International Limited, in reference to our letter dated 07.09.2020 has informed that 44 Km Railway line work from Kharsia-GharghodaKorichhapar has been completed and started transportation of coal. Work for 14 km rail line from Gharghodabhalumuda- Gare Palma will be completed by June 2021. Rail line work from Karichhapar - Kurumkela-Dharamjaygarh will be completed by December 2020. IRCON has to construct 05 numbers of coal siding in Tamnar and Gharghoda area for increasing rail coal transportation. As on date of committee visit IRCON has completed 03 coal siding and made 01 siding operational, 02 more siding will be made operational by December 2020. As informed by the representative of Indian Railway rest 02 sidings shall be completed by March 2021. (Annexure-V) <b>Compliance in Progress</b></p> |
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| g)                           | Proper and free health care facilities with multispecialty treatment system may be provided in all coal mineadjacent villages as per the recommendations of the committee report of 14.6.2019 in the Dukalu Ram (OA 314/2014 CZ) case. (Action by respective coal mine companies).                                       | <b>Mitigation measure for health issues is to be overseen by the Principal Secretary, health, Govt. of Chhattisgarh. For this purpose, the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements.</b> The Principal Secretary Health, Govt. of Chhattisgarh is at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds. |
| h)                           | Strict vigilance by MOEF&CC for green belt development compliance as per EC conditions                                                                                                                                                                                                                                   | MoEF&CC has started close monitoring for green belt development in all coal mines. <b>Compliance in progress.</b>                                                                                                                                                                                                                                                                                                                               |
| i)                           | We also recommend that no further conversion of UG mines to Open Cast mines be permitted in Tamnar and Gharghoda, keeping in mind the environmental costs in terms forest loss, major noncompliance in pollution control and social cost(rehabilitation).                                                                | Letter has been issued to MoEF&CC (IA-Coal) for implementation of restriction on conversion of UG coal mines to OC coal mines in Tamnar and Garghoda area of District Raigarh.                                                                                                                                                                                                                                                                  |
| <b>02 LONG TERM MEASURES</b> |                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| a)                           | Commissioning a detailed and comprehensive environmental load carrying capacity study (as mentioned in NGT order), to be carried out by a reputed environmental research institute over a 24 month period.                                                                                                               | The matter was discussed with CPCB HO and got advised to include the project in State EC fund as defined by Hon'ble NGT. In order of this proposal for the same has been prepared by CECB and submitted to CPCB for compilation of all project and submission before Hon'ble NGT. Annexure-VI <b>Compliance in progress.</b>                                                                                                                    |
|                              | Mode of commissioning of this study may please be decided by the Hon'ble NGT and necessary directions may please be issued accordingly                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| b)                           | To reduce the pollution and other impacts caused by road transport of coal and other minerals directions may be issued that coal transport by road from coal mines or to thermal power plants in these two blocks will be permitted only for 1 year, after which transport must be done by rail of closed conveyor belt. | As per report obtained from SECL it is evident 35% increase in daily average dispatch by rail in comparison to the FY-2019-20 after construction of new rail line between Kharsia-Gharghoda-Korichhapar. Coal dispatch from Korichhapar railway siding commenced in the FY2019-20. It is assumed that coal transport by rail may increase by 50% in addition to earlier transport in rail by December 2020.                                     |
| c)                           | Condition of green belt development may be incorporated at TOR stage of EC application to ensure that green belt work shall be in place at the time of final presentation for obtaining EC,                                                                                                                              | Copy of Hon'ble NGT order dated 27.02.2020 has been sent to IA-Coal on 18.09.2020 for further necessary action by MoEF&CC.                                                                                                                                                                                                                                                                                                                      |

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|    | <i>which shall be verified by MoEF&amp;CC. Further while granting TOR, EAC should specify the location of the green belt to provide buffer between coal mine and human settlements and specify sufficient width of the green belt for the same.</i> |                                                                                                                                                                                                                                                                                                                                                                  |
| d) | <i>Ministry of coal be directed to include the necessary provisions to ensure the acceptance of fly ash in coal mines for disposal through OB dump and backfilling as per fly ash notification of 2009.</i>                                         | <i>Pursuant upon long deliberations by CPCB, Central Electricity Authority, NTPC and Ministry of Coal through Task Force, list of 24 abandoned OC mines of Chhattisgarh has been submitted to be used for filling of fly ash generated from TPP. Process of allocation of these mines to TPP of Chhattisgarh is under taken by CECB and is on advance stage.</i> |

4. The Committee has also made field observations and recommendations as follows:

**“FIELD OBSERVATIONS:**

1. Pursuant upon long deliberations by CPCB, Central Electricity Authority, NTPC and Ministry of Coal through Task Force, list of 24 abandoned OC mines of Chhattisgarh has been submitted to be used for filling of fly ash generated from TPP. Member Secretary CECB has informed about considering mine wise allocation of abandoned coal mines as declared by CEA vide its letter dated 14.02.2020. The co-operation of SECL is not satisfactory as many applications of TPP of Tamnar & Gharghoda area are lying unattended by SECL.
2. District collector, Raigarh has issued letter to concern departments for directing all gram panchayats for not issuing any NOC to use low lying area for disposal of Fly ash. During visit committee has observed restriction on fly ash disposal in low lying areas particularly in agricultural fields of the villages.
3. In compliance of letter issued by Nodal Officer of the committee on 07.09.2020 to PS, PHED, Raipur, it was informed that PHED has established water testing laboratory at Gharghoda and Raigarh for testing of drinking water quality of the area. PHED, Raigarh has also established 06 control rooms and circulated the contact numbers of the concern officers to manage any crisis of drinking water availability in Raigarh District. In order to provide proper treatment for removal of any geogenic contaminants PHED Raigarh has also provided 05 Electrolytic DE fluoridation (EDF) plants in 03 villages (Pata, Mudagaon, Saraitola) of Tamnar Block. Moreover 12 hand pumps, 02 Power pumps and 01 tap water supply have been provided in Kondkel area. In addition to above PHED, Raigarh has also

*proposed drinking water supply scheme (Rs. 1270.41 Lakh project cost) for 10 mining effected villages of Tamnar Block. The details submitted by PHED, Raigarh was verified in Kondkel Village and found insufficient with respect to population of the village. The representative of PHED present during visit of the committee has informed that PHED has established 04 hand pumps, 04 Power pumps and 01 tap water supply have been provided in Kondkel area. The residents of the village has informed about frequent lowering of ground water table due to UG mining activity. Representative of the PHED was also in concurrence with the observation of the villagers. In order to ensure regular and good water quality to villagers the committee has directed M/s Hindalco to provide tap water supply from mine in village and ensure quality of water in coordination with PHED Raigarh. M/s Hindalco Coal Mine shall also submit report on quantity of mine water generation from UG mines to make an assessment for water supply required from PHED.*

- 4. Installation of CCTV system in mines of the area was reported complied by all mines whereas its proper operation and recording is to be ensured by SECL in its all mines located in Chhal and Gare Palma.*
- 5. EE PWD was present before committee to appraise the status of PWD roads in the area. Committee has observed very bad road condition in Tamnar and Gharghoda area which seems to be one of the major factors for deterioration of ambient air quality. EE PWD Sh. Khamra has informed the committee about requirement of immediate construction of approximate 111 Km CC road (Raigarh to Dharmajay Garh about 76 Km and Punjipatra to Milupara about 35 Km) but due to budget constraint the work is pending since last several years. An amount of Rs. 335 Crore may be required to complete the construction of CC road in the area of Tamnar and Gharghoda. More over SECL has paid an amount of 42 Crore to Raigarh PWD for construction of 19 kms, 7m wide tar road from Gharghoda to Jampali in compliance of Hon'ble NGT order.*

*IRCON International Limited, in reference to our letter dated 07.09.2020 has informed that 44 Km Railway line work from Kharsia – Gharghoda – Korichhapar has been completed and started transportation of coal. Work for 14 km rail line from Gharghoda – Bhalumuda – Gare Palma will be completed by June 2021. Rail line work from Karichhapar – Kurumkela – Dharamjaygarh will be completed by December 2020. IRCON International Limited, in reference to our letter dated 07.09.2020 has informed that 44 Km Railway line work from Kharsia – Gharghoda – Korichhapar has been completed and started transportation of coal. Work for 14 km rail line from Gharghoda – Bhalumuda – Gare Palma will be completed by June 2021. Rail line work from Karichhapar – Kurumkela – Dharamjaygarh will be completed by December 2020. IRCON has to construct 05 numbers of coal siding in Tamnar and Gharghoda area for increasing rail coal transportation. As on date of committee visit IRCON has completed 03 coal siding and*

made 01 siding operational, 02 more siding will be made operational by December 2020. As informed by the representative of Indian Railway rest 02 sidings shall be completed by March 2021. As per data received from major mining company of the area i.e. SECL, it is reported that 35% coal transport increase has been observed in comparison to last financial year 2019-2020. (Annexure VII) It is assumed that coal transport by rail may increase by 50% in addition to earlier transport in rail by December 2020.

6. In reference to instruction on point 2 (a) (ii) regarding carrying capacity study, CPCB has advised CECB to include the project cost in EC fund sponsored project and proposal for same has been prepared by CECB and submitted to CPCB for further essential action.
7. The committee has also discussed the issues in meeting with Collector, Raigarh to expedite the required development as directed by Hon'ble NGT in its order. The outcome of the meeting has been considered in the recommendations.

In view of the above field observations, the recommendations of oversight committee are as under.

#### **RECOMMENDATIONS :**

1. **In order to ensure development of health facilities in the villages of mining affected areas, Principal Secretary, Health Chhattisgarh Government may be advised to keep informing the oversight committee about development made in health facilities.**
2. **Hon'ble NGT may like to direct Principal Secretary, PWD, Chhattisgarh Government to sanction budget of Rs. 335 crore (@Rs 3.00 crore per km) for construction of CC road approximately 111 km length of 7m width (Raigarh to Dharmajay Garh about 76 Km and Punjipatra to Milupara about 35 Km) and ensure its execution before March 2021. In this context time bound action plan with bank guarantee of Rs. 35 Crore may be obtained from PWD, Chhattisgarh to ensure timely execution of the work.**
3. **Directions from Hon'ble NGT may also be issued to CMD, SECL, Bilaspur to expedite allotment of abandoned coal mines in consultation with CECB and complete it before 31st December 2020."**
5. From the above, it does appear that action so far taken is not adequate and further steps need to be taken in the light of the recommendations made. **The Principal Secretary, Health and the PWD Department, Chhattisgarh Government and the South Eastern Coalfields Limited (SECL) may act as per recommendations of the Committee. Coal transportation by rail be increased for abatement of air and dust pollution.**

6. Further, the applicant has given suggestions by way of written submission filed on 18.11.2020, inter-alia to the effect that contaminated sites be seen, **fly ash dumping in low-lying areas be ensured and such dumping should not be in unscientific manner. The legacy fly ash dumps be remediated. Air and land pollution due to fire in the coal mines be remedied. Coal transportation by trucks must be done on scientific basis and transportation by conveyor belts be preferred. Road maintenance be improved. Continuous Ambient Air Quality Monitoring Station (CAAQMS) be installed. Steps be taken for recharge of the ground water. Water supply to the concerned villages be provided by pipes.** The submission of the applicant are:

“ ... ..  
 ...

5. That at the outset it is stated that the Committee did not meet with Applicants during their recent visit which was important as the Applicants would have shown the contaminated sites to the committee which are grossly missing in the present Report dated 17th November, 2020. The Committee has only seen the sites which the CECB has shown to it. It is submitted that the Committee should plan an immediate visit after informing the Applicants so that the Applicants can help the Committee to identify the contaminated sites and resolve the environmentally problematic issues as mentioned in the Order dated 27.02.2020 of this Hon'ble Tribunal.

6. That Overall the report does not provide any evidence (in the form of photos, lists of sites visits, descriptions, who did they meet etc) to back up its conclusions. For example in places where the committee has come up with conclusion that fly ash dumping in low lying areas have been restricted. It is stated that no proof has been given for the same. There are no photographs that have been attached or list provided of which sites they have visited and what information they have noted by the Committee. Also the local community members have provided a list of sites and photo documentation of how new fly ash dumping sites have been created in various parts of the region in violation of the Hon'ble NGT's Order/s however till date no action has been taken in any of these cases. The Applicants are annexing the recent photographs showing that the fly ash dumping is still taking place and nothing has been done with respect to removal of legacy fly ash dumps. The non-clean up of legacy fly ash dumps would lead to leachate when it comes in contact with water and would further lead to water and soil pollution.

Photographs alongwith GPS location and date are annexed herewith showing the Fly ash dumps which are annexed herewith as ANNEXURE-B (Collectively).

7. That it is also important to point out that the Coal mines of Gare IV/2 and Gare IV/3 is also witnessing air and land pollution due to fire in Coal mines of Gare IV 12 and

*Gare IV/3. Had the Committee contacted the local community members they would have shown the sites which are witnessing fire in Coal Mines. Recent Photographs showing the fire in Coal mines of Gare IV/2 and Gare IV/3 are annexed herewith as ANN EXURE-C (Collectively).*

8. *That on the issue of coal transportation by trucks, the committee has given a vague response of "seems to be complied" which does not make any sense, either the condition is complied or not to be complied. However the committee has once again not provided any details of the transportation of coal via conveyor belts such as trip sheets or how much quantum of coal has been transported by a conveyor belt to provide proof that the condition is being complied with. Mere vague statement of the committee in this regard cannot be accepted as proof.*
9. *That the direction about CAAQMS has NOT BEEN COMPLIED WITH. What is even more shocking that, the committee which has been appointed to oversee the implementation of the direction is justifying the non-compliance by advancing the industry's faulty logic in this regard, It is stated that EC and CTO condition is to provide regular monitoring data which is not the same as a24X7 and 365 day monitoring through OAAQMS.*
10. *That the committee itself observes bad road in the region hence it is clear that road maintenance direction has NOT been complied with.*
11. *That Directions regarding the mitigation measures of health issues in the region HAVE NOT been complied with. The Principal Secretary-Health, GoW. of Chhattisgarh has not been implementing any health related measures and local community health is in a very precarious situation which fact is observed in a recent Health Assessment RepoG 2019-2020 titled "HEALTH ASSESSMENT OF VILLAGERS OF TAMNAR BLOCK, DISTRICT RAIGARH (C.G.)" submitted to Indian Council of Medical Research, New Delhi, Year 2019-2020. Copy of relevant pages of this study is annexed herewith as ANNEXURE-D.*
12. *That on the issue of green belt development, the committee has pushed the responsibility on MoEF&CC. It is not clear in describing the actual status on the ground. there is no actual evidence provided by the committee to support their "compliance in progress" remark. The committee's vague remark without any submission of documents of the mine wise status of greenbelt development is nothing but mere bald assertions without any proof.*

13. *That regarding the water testing laboratories at Gharghoda and Raigarh for testing of drinking water quality there is no evidence on record that the same are in fit working condition. Similarly, on the issue of water testing, the Applicants state that in Saraitola area the water contains high fluoride content and there is no evidence on record to show that Electrolytic DE fluoridation(EDF) Plants in 3 villages (Pata, Mudgaon, Saraitola are in fit working condition). The Committee has failed to provide any testing results from the area as to what was found in the drinking water and whether the same was in usable condition by the local villagers. There is no evidence or proof filed by committee regarding the sites where the drinking water is potable and where the same is not potable and need further treatment for the villagers to be used. There should be a timeline provided by the Committee to test the water quality in the Tamnar and Gharghoda blocks and a study regarding the sites of potable water needs to be done in coordination with PHED and the local villagers.*
14. *That the Committee has agreed that there is a problem of frequent lowering of ground water table due to mining activity at page 7 of the Report.*
15. *Inspite of acknowledging the problem of frequent lowering of ground water table due to mining there are no plans or action taken proposed for replenishing the fast depleting water table or curbing the future mining activity.*
16. *It also states that M/s Hindalco has been told to provide Tap water supply from the mine in the village and ensure quality of water in co-ordination with PHED Raigarh. It is stated that the same should be done for Neelupara and adjoining area where there are very few drinking water facilities. The Report is silent on new sites where drinking water facility has been provided.*
17. *That in the long term compliance section the details provided in Annexure VI for the carrying capacity study is grossly insufficient. The proposal of CECB is to just conduct a source apportionment study. A source apportionment study cannot be considered as a carrying capacity study. Source Apportionment (SA) is the practice of deriving information about pollution sources and the amount they contribute to ambient air pollution levels. The concept of carrying capacity describes the relationship between resources, environment and human activities to ensure sustainability. Carrying capacity is also defined as "the growth limits an area can accommodate without violating environmental capacity goals". The carrying capacity study will assess the maximum number of individuals/ industrial activities that an area's resources can sustain indefinitely without significantly depleting or degrading those resources or*

*causing environmental or public health depletion. It is reiterated that a proper detailed proposal on carrying capacity study has to be done and shared with the community before progressing with the compliance.”*

***The above suggestions may be duly considered by the concerned authorities and the Committee which may be coordinated by the CPCB.*** We also direct the Collector, Raigarh will stand inducted as Member of the Committee. The applicant has also filed IA No. 382/2020 for a direction that expansion of the project be allowed only after carrying capacity assessment is done. This aspect may be gone into by the Expert Appraisal Committee (EAC).

7. *A further status report may be furnished after four months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.”*

4. In pursuance of above, a further report has been filed by CPCB on 16.04.2021. The Committee held meetings during 15<sup>th</sup>-17<sup>th</sup> March, 2021 and also conducted field visit. The status of compliance as on 15.03.2021 has been given in a tabular form. Field observations and recommendations have also been mentioned. Relevant extracts from the report are reproduced below:-

*“In compliance of Hon’ble NGT order dated 20.11.2020 (Annexure-I), the 3rd virtual meeting of over sight committee was conducted on 27.11.2020. Copy of the minutes of this meeting is placed at Annexure-II.*

*As decided in the meeting, 3 rd field visit of Gharghoda and Tamnar area in Raigarh was conducted during 15-17th March 2021 to address the suggestions given by the applicant by way of written submission filed on 18.11.2020 and to assess progress on the ground in terms of compliance with short term recommendations. The Oversight committee has conducted meeting with applicant on 15.03.2021 in the meeting hall of Collector Raigarh. Sh. Bhim Singh, IAS, Collector Raigarh was also with other members of the Oversight Committee. As decided in the meeting on 27.1.2020 Sh. Shivpal Bhagat, (Applicant) was informed about schedule of the meeting through e-mail on 12.03.2021 and through phone on 15.03.2021. Copy of the mail is placed at Annexure-III. Three applicants out of six have attended the meeting viz Sh. Sriram Gupta S/O Mansha Ram Gupta (Applicant 4), Ms. Rinchin D/O Bina (Applicant 5) and Janki Sidar W/o Bharat Sidar (Applicant 6).*

All three applicants were then invited to join the Oversight Committee in its field visit on 15th and 16th March 2021. **Contaminated sites and fly ash disposal sites shown by the applicant were listed and course of action decided / recommended by the committee has also been recorded in field visit report.** Copy of the field visit report is placed at Annexure-IV.

The compliance status of short term and long term measures are presented as under-

| <b>S. No</b> | <b>ORDERS OF THE HON'BLE NGT FROM RECOMMENDATIONS IN THE REPORT, NOVEMBER 2019</b>                                                                               | <b>COMPLIANCE REVIEW STATUS AS ON 15.03.2021</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <b>01</b>    | <b>Short term measures</b>                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|              | <p>Requiring all coal mines in Raigarh district to accept fly ash for disposal through OB dump and back-filling. (Action by respective Coal mine companies).</p> | <p>Two SECL mines (IV/2,3) and one JPL mine (IV/1) are accepting fly ash. Letters were issued to SECL Chaal OC, Monnet Ispat, HINDALCO Limited and M/s Ambuja Cement Ltd. M/s HINDALCO mines informed about no OB dump because of continuous back filling of mined area with OB as per Approved mining plan. M/s Monnet Ispat Mines has been taken over by SECL. No response received from M/s Ambuja Cement Limited. MoEF &amp;CC vide its notification dated 28th August 2019 has modified the conditions stipulated in the EC of TPP and coal mines in line with the fly ash notification and subsequent amendment. It has been mentioned in point no 7 that ministry has stipulated the conditions which prohibited the use of fly ash in abandoned mines/low lying area/ soil conditioner in agriculture following the guide lines prepared by CPCB.</p> <p><b>Accordingly CECB shall amend the consent conditions of all TPP and Coal Mine.</b></p> <p>More over CEA vide its letter dated 14.02.2020 has informed about</p> |

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|    |                                                                                                                                                                                                                                                                                                                                                                             | <p>declaration of abandoned mines on recommendation of task force. The list includes 24 abandoned OC mines of Chhattisgarh to be used for filling of fly ash generated from TPP. The committee has suggested to Chairman, Chhattisgarh Environment Conservation Board for constitution of State Level Committee to decide the mode and quantity of fly ash to be disposed in working/ abandoned mines/quarries in the State. The same committee may also look after the fly ash disposal issues in Raigarh also on priority. Copy of the letter issued to Chairman, CECB, Raipur, is placed at Annexure-V. <b>Action from CECB is awaited.</b></p>                                                                                                  |
| b) | <p>Given the seriousness of improper fly ash dumping in low lying areas, and the practical difficulty in rigorously monitoring the implementation of the recent SOP in the field, no further disposal of fly ash in low-lying areas by TPP/ CPP companies to be permitted and all Gram Panchayats in Raigarh district to be directed to stop issuing NOCs for the same.</p> | <p>District Collector of Raigarh has issued letter to concerned department for directing all gram panchayats for not issuing any NOC to use low lying area for disposal of Fly Ash. During visit of the committee, disposal of fly ash in low lying area was observed but seems to be disposed before issue of the order by the collector.</p> <p><b>As per preconditions of SOP Power plant/ land owner/agency shall obtain statutory permission from regulatory authorities such as SPCB as per requirement.</b></p> <p>CECB is to submit list of the locations of low lying areas being used or earlier used for unscientific disposal of fly ash for which permission has been granted by local administration after getting NOC from CECB.</p> |
| c) | <p>Requiring that whatever coal is being supplied to JPL and JSPL from Gare Palma IV/2&amp;3 should be transported through the already existing closed conveyor belts and</p>                                                                                                                                                                                               | <p>It was informed by Regional officer CECB, Raigarh that Jindal Power limited (JPL) has received 44,25,66</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <i>no such coal transport should be allowed via trucks. (Action by SECL).</i>                                                                                                                                                                                                                                                                                                                                                                                                 | MT coal in 2019-20 and 40,24,274 MT coal in 2020-21 through conveyor belt.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| d) | <i>Establishment of monitoring cell by PHED to monitor water quality being used by the residents of villages and provide pre – treatment facility and removal of geogenic contaminants and anthropogenic contaminants before its use as drinking water. Specifically, the quality of water treatment in the mine-supported water supply system in village Kondkhel needs to be ensured by PHED as per drinking water norms.</i>                                               | PHED Raigarh has informed that water testing laboratories are functional at Gharghoda and Raigarh for testing of drinking water quality of the area. Moreover 12 hand pumps, 02 Power pumps and 01 tap water supply have been provided in Kondkel area. <b>The residents of the village has informed about frequent lowering of ground water table due to UG mining activity.</b> Representative of the PHED was also in concurrence with the observation of the villagers. In order to ensure regular and good water quality to villagers the committee has <b>directed M/s Hindalco to provide tap water in village and ensure quality of water in coordination with PHED Raigarh.</b> M/s Hindalco has submitted detail of mine quantity generation and its mode of treatment to committee. PHED is to submit the quantity of water required for kondkhel village. The committee has also suggested to obtain details from Central Ground Water Authority about water recharge points provided by the coal mines at the time of obtaining NOC. |
| e) | <i>Installation of adequate number of CCTV and CAAQM stations in coal mining area. Proper records under CCTV coverage shall be maintained by coal mines to ensure movement of covered trucks loaded with coals and regular and comprehensive operation of sprinklers in coal zone, stockyard and all mine roads. CAAQMS shall be connected to CECEB/CPCB server, and also displayed on the mine gates for public information. (Action by respective coal mine companies).</i> | As per field report by CECEB, RO, Raigarh it seems that CCTV has been installed by M/s HINDALCO Industries, SECL Gare Palma IV/2 & 3, SECL Chhal. SECL Gare Palma IV/1. At the time of visit M/s Monnet Ispat Mines were not found operational.<br><br>In case of installation of CAAQMS committee has instructed Member Secretary, Chhattisgarh Environment Conservation Board to <b>issue directions to all coal mines for</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|    |                                                                                                                                                                                                                                                                                                                                                                                                                     | <p><b>installation of CAAQMS and its connectivity with CPCB/CECB server.</b> Copy of the letter is placed at Annexure-VI. Status of the same is awaited from MS, CECB, Raipur</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| f) | <p>Proper repairing and maintenance of roads both inside and outside the mine area to ensure smooth movement of trucks and other load carrying vehicles. (Action by Public Works Department and respective mining companies). Indian Railways to be directed to submit a time-bound action plan for commissioning of the railway line in Tamnar and Gharghoda blocks to ensure all coal transportation by rail.</p> | <p>EE PWD, Raigarh Sh R K Kharma has informed the committee about requirement of immediate construction of approximate 111 Km CC road (Raigarh to Dharmajay Garh about 76 Km and Punjipatra to Milupara about 35 Km) but <b>due to budget constraint the work is pending since last several years.</b></p> <p>Letter issued to PS, PWD, S-1/03, Mahanadi Bhawan, Raipur by this office vide number RDB/NGTOA104/2018/553 dated 07.09.2020 and 6.01.2021 to sanction Rs. 335 crore for construction of 111 km CC road.</p> <p><b>No response has been received from PS, PWD, Chhattisgarh Government.</b></p> <p>IRCON International Limited, in reference to our letter dated 07.09.2020 has informed that 44 Km Railway line work from KharsiaGharghoda- Korichhapar has been completed and started transportation of coal. Work for 14 km rail line from Gharghoda- bhalumuda-Gare Palma will be completed by June 2021. IRCON has to construct 05 numbers of coal siding in Tamnar and Gharghoda area for increasing rail coal transportation.</p> <p><b>Compliance in Progress.</b></p> |
| g) | <p>Proper and free health care facilities with multispecialty treatment system may be provided in all coal mineadjacent villages as per the recommendations of the committee report of 14.6.2019 in the Dukalu</p>                                                                                                                                                                                                  | <p>Mitigation measure for health issues is to be overseen by the Principal Secretary, health, Govt. of Chhattisgarh. For this purpose, the existing arrangements in the local areas may be reviewed and further strengthened to meet the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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|                              | <i>Ram (OA 314/2014 CZ) case. (Action by respective coal mine companies).</i>                                                                                                                                                                                    | <i>requirements. The Principal Secretary Health, Govt. of Chhattisgarh is at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds. <b>Collector Raigarh has assured to arrange the required medical facility in the area by way arranging health screening camps in all villages within next few months.</b></i> |
| <i>h)</i>                    | <i>Strict vigilance by MOEF&amp;CC for green belt development compliance as per EC conditions</i>                                                                                                                                                                | <i>MoEF&amp;CC has issued letters to all coal mines for submitting updated status of green belt developed. Responses received are being compiled and submitted in next meeting of the committee.</i>                                                                                                                                                                                |
| <i>i)</i>                    | <i>We also recommend that no further conversion of UG mines to Open Cast mines be permitted in Tamnar and Gharghoda, keeping in mind the environmental costs in terms forest loss, major noncompliance in pollution control and social cost(rehabilitation).</i> | <i>Letter was issued in September 2020 to MoEF&amp;CC (IA-Coal) for implementation of restriction on conversion of UG coal mines to OC coal mines in Tamnar and Garghoda area of District Raigarh. MoEF&amp;CC representative in the committee has now sent follow-up e-mails to IA division reiterating these recommendations.</i>                                                 |
| <b>02 LONG TERM MEASURES</b> |                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                     |
| <i>a)</i>                    | <i>Commissioning a detailed and comprehensive environmental load carrying capacity study (as mentioned in NGT order), to be carried out by a reputed environmental research institute over a 24 month period.</i>                                                | <i>CECB vide its letter dated 31.03.2021 has invited proposal from NEERI, Nagpur for conducting Carrying capacity study in Tamnar &amp; Gharghoda Blocks of District Raigarh. The Technical and Commercial proposal is to be provided by NEERI, Nagpur within 15 days. (Annexure-VII)</i>                                                                                           |
|                              | <i>Mode of commissioning of this study may please be decided by the Hon'ble NGT and necessary directions may please be issued accordingly</i>                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                     |
| <i>b)</i>                    | <i>To reduce the pollution and other impacts caused by road transport of coal and other minerals directions may be issued that coal transport by</i>                                                                                                             | <i>As per report obtained from SECL it is evident 35% increase in daily average dispatch by rail in comparison to the FY-2019-20 after construction of new</i>                                                                                                                                                                                                                      |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <p>road from coal mines or to thermal power plants in these two blocks will be permitted only for 1 year, after which transport must be done by rail of closed conveyor belt.</p>                                                                                                                                                                                                                                                               | <p>rail line between Kharsia-Gharghoda-Korichhapar. Coal dispatch from Korichhapar railway siding commenced in the FY2019-20.</p> <p><b>SECL and IRCON shall submit detail about total transportation of coal through Rail in FY-2020-21.</b></p>                                                                                                                                                                                                                                                                                                                          |
| c) | <p>Condition of green belt development may be incorporated at TOR stage of EC application to ensure that green belt work shall be in place at the time of final presentation for obtaining EC, which shall be verified by MoEF&amp;CC. Further while granting TOR, EAC should specify the location of the green belt to provide buffer between coal mine and human settlements and specify sufficient width of the green belt for the same.</p> | <p>Copy of Hon'ble NGT order dated 27.02.2020 has been sent to IA-Coal on 18.09.2020 for further necessary action by MoEF&amp;CC.</p> <p>Continued non-compliance of green belt conditions from EAC of coal is observed. Strict monitoring and follow up action by MoEFF&amp;CC is required.</p>                                                                                                                                                                                                                                                                           |
| d) | <p>Ministry of coal be directed to include the necessary provisions to ensure the acceptance of fly ash in coal mines for disposal through OB dump and backfilling as per fly ash notification of 2009.</p>                                                                                                                                                                                                                                     | <p>Pursuant upon long deliberations by CPCB, Central Electricity Authority, NTPC and Ministry of Coal through Task Force, list of 24 abandoned OC mines of Chhattisgarh had been submitted to be used for filling of fly ash generated from TPP including 3 in Gare Palma Block. Of these 3 only 01 is actually feasible.</p> <p><b>No progress reported from CECB for constitution of the State Level Committee as proposed.</b></p> <p><b>No progress reported by CMD, SECL, Bilaspur in spite of several communications from CECB, CPCB and Collector, Raigarh.</b></p> |

**FIELD OBSERVATIONS**

1. Pursuant upon long deliberations by CPCB, Central Electricity Authority, NTPC and Ministry of Coal through Task Force, list of 24 abandoned OC mines of Chhattisgarh has been submitted to be used for filling of fly ash generated from TPP. The committee has written to Chairman, CECB, Raipur for constitution of State Level Committee for management of fly ash disposal in the state with implementation of SOP notified by CPCB. The co-operation of SECL is not satisfactory as many applications of TPP of Tamnar & Gharghoda area are lying unattended by SECL.
2. District collector, Raigarh has issued letter to concern departments for directing all gram panchayats for not issuing any NOC to use low lying area for disposal of Fly ash. During visit unscientific disposal of fly ash were observed at 1) Outside TRN Power ash dyke (By TRN Energy Private Limited) , 2) In Tenda village (By TRN Energy Private Limited) , 3) Outside the Mahaveer Energy ( By Mahavir Energy & Coal beneficiation Limited). Onsite observations reveal it as legacy fly ash dump.
3. PHED, Raigarh has proposed drinking water supply scheme (Rs. 1270.41 Lakh project cost) for 10 mining effected villages of Tamnar Block. The details submitted by PHED, Raigarh was verified in Kondkel Village and found insufficient with respect to population of the village. The representative of PHED present during visit of the committee has informed that PHED has established 04 hand pumps, 04 Power pumps and 01 tap water supply have been provided in Kondkel area. The residents of the village has informed about frequent lowering of ground water table due to UG mining activity. Representative of the PHED was also in concurrence with the observation of the villagers. Hence it has been decided by the committee to obtain data of ground water recharge system in Gharghoda and Tamnar area, from central ground water authority, Raipur along with data of annual ground water level in the area.
4. Installation of CCTV system in mines of the area was reported complied by all mines whereas its proper operation and recording is to be ensured by SECL in its all mines located in Chhal and Gare Palma. RO CECB Raigarh was requested to physically verify the status of transport of coal in properly covered manner.
5. EE PWD, Raigarh has informed the committee about immediate construction of approximate 111 Km CC road (Raigarh to Dharmjaigarh about 76 Km and Punjipatra to Milupara about 35 Km) but due to budget constraint the work is pending since last several years. An amount of Rs. 335 Crore may be required to complete the construction of CC road in the area of Tamnar and Gharghoda. Hon'ble NGT in its order dated 20.11.2020 (point 5) has instructed PS, PWD to sanction the required fund and ensure execution before March 2021. During field visit execution of the work was not observed, hence the issue was further clarified with EE, PWD, Raigarh who informed as under-

- Main high way connecting Raigarh to Dharamjaygarh has now been included in National Highway Scheme
- Stretch from Chhal mines to Gharghoda has been approved for two lane
- Stretch from Punjipatra to Milupara via Tamnar not yet approved.

In view of the above committee has instructed to EE, PWD, Raigarh to identify badly damaged patches in this stretch and prepare a budget and get same approved so as to complete the work within three months. Stretch from Punjipatra to Milupara via Tamnar has also to be taken on highest priority because of the heavy traffic load on this route.

IRCON International Limited, has informed that work for 14 km rail line from Gharghoda – Bhalumuda – Gare Palma will be completed by June 2021. IRCON has to construct 05 numbers of coal siding in Tamnar and Gharghoda area for increasing rail coal transportation. As on date of committee visit IRCON has completed 04 coal siding and made 01 siding operational. As per data received from major mining company of the area i.e. SECL, it is reported that 35% coal transport increase has been observed in comparison to last financial year 2019- 2020. (Annexure-VII) It is assumed that coal transport by rail may increase by 50% in addition to earlier transport after completion of the project

**SECL and IRCON shall submit detail about total transportation of coal through Rail in FY-2020-21.**

6. CECB vide its letter dated 31.03.2021 has invited proposal from NEERI, Nagpur for conducting Carrying capacity study in Tamnar & Gharghoda Blocks of District Raigarh. The Technical and Commercial proposal is to be provided by NEERI, Nagpur within 15 days. (Annexure-VII)
7. The committee has also discussed the issues in meeting with Collector, Raigarh to expedite the required development as directed by Hon'ble NGT in its order. The outcome of the meeting has been considered in the recommendations.
8. In order to make information of the Oversight Committee's work public domain, Collector Raigarh agreed to host a webpage on the Raigarh District website and directed the District information officer (Raigarh) to coordinate with the committee regarding the same.

In view of the above field observations, the recommendations of Oversight Committee are as under

**RECOMMENDATIONS –**

1. *Chhattisgarh Environment Conservation Board shall prepare list of areas where unscientific disposal of fly ash has occurred with specific remark of status about permission granted.*
2. *Chhattisgarh Environment Conservation Board shall also generate data about total quantity of coal mined in Raigarh, total quantity of coal being used by the industries in Raigarh and quantity of locally mined coal available for TPPs and other industries of Raigarh.*
3. *In order to ensure development of health facilities in the villages of mining affected areas, Principal Secretary, Health Chhattisgarh Government may be advised to keep informing the Oversight Committee about development made in health facilities.*
4. *Hon'ble NGT may like to direct Principal Secretary, PWD, Chhattisgarh Government to sanction budget for 111 km road from Raigarh to Dharamjaygarh and Punjipatra to Milupara via Tamnar and ensure its execution within three months. In this context time bound action plan shall be submitted to ensure timely execution of the work*
5. *Directions from Hon'ble NGT may also be issued to Chhattisgarh Environment Conservation Board, Raipur for constitution of State Level Committee to look in to Scientific Utilization of fly ash in the Chhattisgarh State.*
6. *Directions from Hon'ble NGT may also be issued to CMD, SECL, Bilaspur to expedite disposal of fly ash in abandoned coal mines declared by Central Electricity Authority, Ministry of Power, Government of India vide letter no. 1/8/27/Task Force/ 2013-2019/TCD/230-338 dated 14.02.2020 in consultation with CECB and complete within three months."*

5. From the report dated 17.03.2021 annexed to the main report as Annexure-IV, violations have been found on the part of JPL, JSPL, M/s HINDALCO Industries Limited, Mahaveer Bio-Energy Premises and CSPGCL. The observations are quoted below:-

**“FIELD OBSERVATIONS**

**1. Unscientific dumping of fly ash-** *The committee has observed unscientific dumping of fly ash at several places, out of these few are temporary/ intermittent and few old dumping of legacy in nature.*

- **Within GP IV/1, outside mine void:** *Only fly ash dumping as part of backfilling of mine void along with overburden is*

permitted. No dumping is permitted in open areas; such dumping is leading to ash flying away into human habitation and ecosystems.

**Action:** As this constitutes violation of EC conditions, CECB to direct JSPL to clean up the unauthorised dump within 7 days and dispose the fly ash in the mine void through the backfilling process. The process of covering fly ash with overburden/ sweet soil appears to be very slow. JSPL shall ensure that fly ash is covered within 07 days to extent possible and also to ensure daily watering or covering up the flu ash during backfilling process.

- **Within GP IV/2-3 outside mine void:** Only fly ash dumping as part of mine void covered with overburden is permitted. No dumping without cover by overburden is permitted in open area as such dumping may lead to ash flying away into human habitation and ecosystem. (Pics5-6)

**Action:** As this constitutes violation of EC conditions, CECB to direct JSPL to clean up the unauthorised dump within 7 days and dispose the fly ash in the mine void through the backfilling process.

- **Leakage of fly ash slurry from JPL ash dyke:** The ash dyke IIA and IIB of JSPL was observed full and representative of the industry has informed that application for permission to raise the ash dyke height is submitted in MoEF&CC. At the time of visit leakage in the exiting ash dyke was observed and ash laden water was found up to toe drain. Hence possibility of ash dyke breach in future cannot be ruled out. (Pics-07) Action: In compliance of direction from Oversight Committee CECB has inspected the site and directions to the industry is being issued under section 33 of water act. Furthermore, JPL to conduct study through a research organisation of national repute to determine the stability of the exiting ash dyke and take measures required to strengthen as needed. No permission for raising of ash dyke shall be given till safety of the dyke is assured.
- **Outside TRN Power Ash dyke:** TRN power has created an ash dump outside its ash dyke in the village of Nawapara Tenda( Pic- 08). The top of dump is at least 10 feet above the GL. This is not as per definition of dumping in low lying area. Moreover, fly ash utilisation report April 2020 – Jan 2021 provided by TRN Power shows that they have continued to dump fly ash in low lying areas during May, June and July 2020. There are physical evidences for breaching of mud wall leading to fly ash flowing in to adjoined fields (Pic-9). More over the situation to ash flying into neighbouring habitants and ecosystem could not be ruled out. The dumping of fly ash in Tenda Village is seems to be a legacy dump (Pre-February 2020). This unscientific dumping is

*visibly eroding in the rain and may flow in to nearby fields and water streams. (Pic-10)*

**Action:** *CECB to instruct TRN power to desist from any further dumping, to strengthen the mud dykes, to regularly watering the dump to prevent fly ash dispersal by wind, to prevent any erosion by covering the dump with soil. Actions for the long term remediation of this legacy dump will be determined once mine voids are made available for fly ash disposal.*

- **Outside Mahaveer Bio Energy Premises:** *Mahaveer Bio energy has created an ash dump behind its premises. (Pics- 11) The top of the dump is at least 10 feet above the GL and does not conform to the SOP for dumping in low lying area. More over there is not even a proper retaining wall around the dump creating a public hazard.*

**Action:** *CECB shall issue show cause notice for improper disposal of fly ash and instruct for removal of the fly ash within 07 days*

- **Fire in coal mine/coal dump:** *The committee observed smoke in gare Palma IV/2-3 (SECL). (Pic-12) SECL assured the committee that they have followed instructions provided by CIMPHER but measure advised as covering with clay have not worked. Fires/ smoke is constant hazard in coal mining. Nevertheless, fires close to human habitation need to be immediately put on to prevent pollution and health hazard.*

**Action:** *CECB to direct SECL to arrest all fire within 500 m of kausampalli and Sarasmal village within 7 days and approach DGMS immediately for obtaining better solution to deal with issues*

- **Discharge of untreated waste water-** *The committee has observed discharge of untreated water from mine of M/s HINDALCO Industries Limited at Gare Palma IV/ 4 in to a drain leading to agriculture fields (Pic-13). The mine owner has also not demarcated mining lease area that OB dump activity could be assessed.*

**Action:** *As this constitutes a violation of EC conditions, CECB shall direct M/s Hindalco to immediately stop the discharge of effluents, and to install necessary wastewater treatment facilities and have them inspected by CECB within 1 month, show that it meets discharge quality standards set in the EC, and seek approval of neighboring village Gram Sabha before releasing any further (treated) wastewater out of its mine lease area*

The committee also received public representation in field to the effect that the captive coal washery with in the JPL premises was releasing untreated effluents in to the Kelo River that adjoins it. The committee could not visit the site to examine the situation.

**Action:** CECB has visited the site and reported non-operational status of coal washery, however water samples from River Kelo has been collected and final report will be submitted after completion of sample analysis.

- 2. Green belt and safe distance from public road/settlement-** The committee has found green belt issue and indiscriminate storage of OB dump in CSPGCL (Chhattisgarh State Power Generation Company limited) mine at Gare Palma sector 3. It was observed that dumping of OB was done on both sides of public road without safe distance.

**Action:** Committee has instructed CECB to inspect the GP III mine and verify the actual location of OB dump as per mining plan. In case of any deviation found strict action shall be initiated in consultation with state mining department as well as Director General of Safety and Mines (DGMS). Regarding Gare Palma IV/5 MoEF&CC to verify and issue appropriate direction.

- 3. Making abandoned mines available for disposal of fly ash-** Update: Ministry of power has identified 3 mines for fly ash dumping in Tamnar-Gharghoda region. Chhaal mine is actually not available because it is being worked. Mand mine is an UG mine has already been decommissioned. It is not easy to reuse it for fly ash dumping. DGMS will be requested to suggest ways in which it can be made available for fly ash dumping. OCP mine at Domnara is found suitable for disposal fly ash available for which SECL, Raigarh has moved the letter to its HO at Bilaspur office seeking permission. In case of permission granted for Domnara mine preference shall be given to TRN Energy Private Limited and some other power producers that generate fly ash and have limited area for fly ash disposal.

**Action:** Collector Raigarh shall pursue the matter with CMD, SECL, Bilaspur for an early outcome.

- 4. Public health facilities and disease screening-** The committee has also discussed about requirement of health infrastructure and status of available facilities in Gharghoda and Tamnar area. Collector Raigarh has informed the committee that there are adequate facilities available at Tamnar CHC and at the Fortis-JPL multispeciality hospital at Tamnar. Collector Raigarh has also assured to organise 'health camps' within the next 3 months in all villages surrounding the mines areas in T & G blocks, and then ensure regular screening after that on a yearly basis.

**Action:** CECB RO Raigarh with DC, Raigarh to reconfirm that JPL hospital is open to all villagers for free of cost treatment.

- 5. Improve Road quality to reduce spillage and air pollution-** Gharghoda and Tamnar area of Raigarh is extremely rich in coal mineral and extensively mined by SECL and other private companies. It was observed that very less percent of coal produced in the area is available for exiting industries of Raigarh. Most of the coal mined is being transported to nearby areas in Chhattisgarh and other states. Hence road condition of Raigarh plays an important role in deterioration of ambient air quality. In order to ensure better ambient air quality an statistical balance is to be developed between road transport and rail transport. It was found satisfactory that development of rail network with five coal siding in the area are at the stage of completion. Hence it is required to decide a time line for transportation of coal by rail only especially being dispatched to other states. Road transport of coal shall be limited for those power plants operational in Raigarh.

EE, PWD, Raigarh has informed the committee that main highway connecting Raigarh to Dharamjaygarh has now been shifted to NH scheme. Stretch from Chhal mines to Gharghoda has been approved for two-lane and its strengthening. Stretch from Punjipathra to Milupara via Tamnar (25 km) and Stretch from Milupara to Lailung not yet approved.

**Action:** Since the actual process of constructing the NH will take at least two years, PWD is instructed to identify badly damaged patches in this stretch and prepare a budget and get the same approved and acted upon immediately (within 3 months). As far as constructions of other stretches are concerned PWD shall take highest priority because these are the stretches with heaviest traffic density.

- 6. Inadequate quality of drinking water supply to Kondkhel village-** This could not be verified in this visit, but Hindalco was already instructed to stop providing water from Bendra nala, and to provide water from coal mine after proper filtration and treatment. Hindalco has yet to comply.

**Action:** Direction from collector Raigarh may be issued to M/s HINDALCO and PHED, Raigarh for compliance within three months.”

6. Before discussing the report and issuing further directions, we may dispose of IAs which have been filed. I.A. No. 97/2021 has been filed on behalf of M/s Jindal Steel and Power Limited (JSPL) seeking direction for short term measures for transportation of coal. The Expert Committee having already gone into the matter, we do not find any scope for piecemeal direction in isolation when the matter is being dealt with holistically based

on recommendations of a credible committee, which are not shown in any manner to be erroneous. I.A. No. 97/2021 is disposed of accordingly. I.A. No. 25/2021 was filed by the applicant for modification of the constitution of the Committee. We do not find any merit in the said application as report has already been submitted which is being considered. The IA stands disposed of. I.A. No. 382/2021 is for direction to the MoEF&CC not to permit expansion of Hindalco Industrial Limited project for underground mine being converted to Opencast mine. We are of the view that instead of granting the injunction sought, the concerned authorities may look into desirability or otherwise of such expansion, in the first instance and if the applicant is aggrieved, he will be at liberty to take remedies against the permission if so taken. I.A. No. 382/2021 stands disposed of accordingly.

7. We may also note the response of the applicants to the report of the Committee. It is submitted that dumping of fly ash in low lying areas needs to be avoided in view of earlier order of this Tribunal dated 27.02.2020, based on the recommendations of the Committee as required monitoring is not viable. Further, any such unscientific dumping which may have already taken place needs to be remedied. It is further submitted that no timeline has been provided in the recommendations of the Committee for remedying long pending and continuing problems. Actions suggested on behalf of the applicants under different heads are reproduced below:-

“A. *Dumping in low lying areas:*

- (i) *The Applicants reiterate that there should be No dumping of fly ash in low lying area as has been accepted by this Hon’ble Tribunal vide it’s Order dated 27.02.2020 and the Order dated 20.12.2020 be clarified in this regard and directions be issued to the Oversight Committee in this regard.*
- (ii) *CECB be directed to amend the consent conditions of all TPP and Coal Mine as per MoEF&CC’s notification dated 28th*

*August 2019 as mentioned in the Report of the Oversight Committee*

- (iii) *The Hon'ble NGT should direct for a clean up of the Fly Ash, since the monsoon rains will start soon and again the legacy ash dump sites will pollute the river and agricultural land."*

*B Repairing and Maintenance of roads inside and outside the mine area:*

*Committee had also visited the new operations at Gare Pelma Sector 3 which is under the Chhattisgarh State Power Generation limited and there too the trucks are using the said road, which the Hon'ble NGT had directed to be made from Raigarh to Milupara, but no mention of such violations have been made in the Report. It is suggested that there should be proper repairing and maintenance of roads both inside and outside the mine area to ensure smooth movement of trucks and other load carrying vehicles"*

*C. Proper and free health care facilities with multispecialty treatment system may be provided in all coal mine-adjacent villages as per the recommendations of the committee report of 14.6.2019 in the Dukalu Ram (OA 314/2014 CZ) case.*

*D. MoEF&CC be directed to forthwith submit the data on Green Belt development before the Hon'ble Tribunal with respect to District Raigarh.*

*E. Establishment of monitoring cell by PHED to monitor water quality being used by the residents of villages.*

*F. Installation of adequate number of CCTV and CAAQM stations in coal mining area.*

*G. Requiring that whatever coal is being supplied to JPL and JSPL from Gare Palma IV/2&3 should be transported through the already existing closed conveyor belts and no such coal transport should be allowed via trucks.*

*H. Comments on the field observations:*

- a. Impose Environmental damages on the units found in violation of EC conditions as several EC violations have been recorded by the committee but no action has been proposed / recommended by the Committee against the violators*
- b. Address the issue of fires in the overburden dumps in all operations, which has been left unaddressed.*
- c. Committee be directed to present plan for water recharge*
- d. Effluents and coal discharge was noticed in the river and nallas. No measure and punitive action has been suggested for that. This issue may kindly be addressed.*
- e. The field visit reports of the Oversight Committee should be cross verified with the actual action taken and compliance of the recommendations.*
- f. The field visits should be more regular and the report of the Oversight Committee should be placed in Public Domain so that the work done so far and the status of action taken is made public."*

8. We have given due considerations to the report of the Committee as well as suggestions made on behalf of the applicants. The recommendations of the Committee need to be accepted. The State Board should prepare list of areas where unscientific disposal of fly ash has taken place and generate data about the quantity of the coal mined, used in the industries and available for TPPs. Steps need to be taken expeditiously for development of health facilities, constructing necessary road from Raigarh to Dharamjaygarh and from Punjipatra to Milupara, disposal of fly ash in abandoned coal mines and constitution of State Level Committee to look into scientific utilization of the fly ash. Taking such steps is undoubtedly necessary for protection of the environment. The suggestions of the applicants reproduced above also need to be considered by the Oversight Committee.

9. The Oversight Committee may make assessment of compensation for the violations on the basis of which the statutory State Board may take further action, following due process of law. The Committee may continue to oversee remedial measures in terms of directions of this Tribunal. The Committee may undertake field visit and also interact with all the stakeholders. The Committee will be at liberty to take assistance from any other Expert/Institution.

10. We regret to note failure of the concerned departments of the State of Chattisgarh to respond to the Committee and to perform their Constitutional obligation to protect environment and public health. Pending taking coercive measures for such failures in due course, we direct the Chief Secretary, Chhattisgarh to ensure necessary action on the part of the concerned departments, including PWD and Health on the

subject of construction of road and providing health care facilities and drinking water to the victims in the area. Any negligence by the State authorities may result in rendering the concerned senior officers personally accountable by way of prosecution under the provisions of the NGT Act, imprisonment under section 25 NGT Act read with section 51 CPC and exemplary costs out of their salaries.

11. Having regard to the seriousness of the issues involved and their impact on the environment and public health, we direct that the Oversight Committee will now be headed by Justice V.K. Shrivastava, former Judge of Chhattisgarh High Court, available at Bilaspur. He will be entitled to honorarium at the rate of Rs. 2 lakhs per month, apart from logistic support for the purpose of work of the Committee. His tenure will be for six months from the date he joins the first meeting of the Committee, which may be done within one month from today. The amount will be payable by the State PCB - Chhattisgarh Environment Conservation Board.

12. The report about the compliance status as on 30.11.2021 may be furnished to this Tribunal on or before 15.12.2021 by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. A copy of the report may also be provided to the authorities who are required to implement the recommendations of the Committee to enable such authorities to file their response, if any, before the next date.

List for further consideration on 11.01.2022.

A copy of this order be forwarded to Chief Secretary, Chhattisgarh, MoEF&CC, NEERI, CPCB, State PCB, the Collector, Raigarh and Justice

V.K. Shrivastava, former Judge of Chhattisgarh High Court by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 24, 2021

Original Application No. 104/2018

(I.A. No. 382/2020, I.A. No. 25/2021 & I.A. No. 97/2021)

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