

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 110 (THC) OF 2012**

IN THE MATTER OF:

Threat to life arising out of Coal Mining
in South Garo Hills District

...Applicant

VERSUS

State of Meghalaya & Ors.

... Respondents

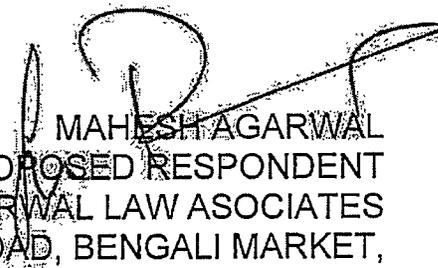
AND IN THE MATTER OF:-

Dalmia Cement (Bharat) Ltd., ... Proposed Respondent/Impleader

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FILED BY


MAHESH AGARWAL
 ADVOCATE FOR THE PROPOSED RESPONDENT
 AGARWAL LAW ASSOCIATES
 19, BABAR ROAD, BENGALI MARKET,
 NEW DELHI – 110001
 PH: 011 – 42200000
 EMAIL – mail@aglaw.in

PLACE; NEW DELHI
DATED:30.05.2023

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 110 (THC) OF 2012**

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Threat to life arising out of Coal Mining
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...Applicant

VERSUS

State of Meghalaya & Ors.

... Respondents

AND IN THE MATTER OF:-

Dalmia Cement (Bharat) Ltd. ... Proposed Respondent/Impleader

AND IN THE MATTER OF:

Dalmia Cement (Bharat) Limited
Umsoo Mootang, Thangskai,
P.O. Lumshnong, East Jaintia Hills,
Meghalaya – 793 210

Registered Office:

Dalmiapuram, Tiruchirapalli,
Tamil Nadu-621651

Through the authorised signatory:

Mr. Padmanav Chakravarty ... Proposed Respondent/Applicant

**APPLICATION SEEKING IMPLEADMENT OF DALMIA CEMENT
(BHARAT) LTD.**

MOST RESPECTFULLY SHOWETH:

1. The present Application is being filed seeking the permission of this Hon'ble Tribunal for to implead the Applicant, Dalmia Cement (Bharat) Limited ("DCBL"), in the present proceedings.
2. The present Impleadment Application is being filed pursuant to the directions of the Hon'ble Supreme Court in the Judgment dated 02.05.2023 in Civil Appeal No. 3820 of 2020

titled *Star Cement Ltd. & Others v. State of Meghalaya & Others* along with Civil Appeal No. 4991-4992/2021 titled *Dalmia Cement (Bharat) Limited v. State of Meghalaya & Others*, wherein the Hon'ble Supreme Court directed as follows,

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

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

(Emphasis Supplied)

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

3. The above Civil Appeal(s) were filed by the Applicant, along with other power and cement producers operating in the State of Meghalaya. In with Civil Appeal No. 4991-4992/2021, the Applicant challenged the Orders dated 17.01.2020 and 15.03.2021 passed by this Hon'ble Tribunal in the captioned proceedings [O.A. No.110(THC)/2012] whereby this Ld. Tribunal (i) accepted all recommendations made, in the 5th Interim Report dated 02.12.2019, by the Monitoring Committee constituted under the directions of this Hon'ble Tribunal ("**Committee**") and (ii) consequently directed proceedings to be initiated against the cement and power plants, including DCBL, under the Mines & Minerals (Regulation and Development) Act, 1957 and other Environmental laws.
4. In the 5th Interim Report, the Committee erroneously found the Applicant, along with other power/cement plants, to have utilised illegally mined coal. In view of the above, the Committee recommended that the Ld. Tribunal realize royalty, GST/VAT and contribution to MEPRF from DCBL amounting to Rs.115.61/- Crores.

Royalty	Rs. 50.024 crores
MEPRF	Rs. 35.943 crores
GST/VAT	Rs. 29.644 crores
	Rs. 115.61 crores

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

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

5. Accordingly, on 23.07.2021, the Applicant filed Civil Appeal No: 4991-4992/2021 titled ***Dalmia Cement (Bharat) Limited v. State of Meghalaya & Others***, before the Hon'ble Supreme Court, assailing the Order dated 17.01.2020 and the Order dated 15.03.2021 passed by this Hon'ble Tribunal in the captioned matter.
6. On 23.08.2021, the Hon'ble Supreme Court, issued notice in the Appeal and tagged it with the main matter, Civil Appeal

No.3820 of 2020 titled *Star Cement Ltd. & Others v. State of Meghalaya & Others*.

A copy of the Order dated 23.08.2021 passed by the Hon'ble Supreme Court in Civil Appeal No. 4991-4992/2021 titled "*Dalmia Cement (Bharat) Limited v. State of Meghalaya & Others*" is annexed hereto and marked as ANNEXURE A-2.

7. On 02.05.2023, the Hon'ble Supreme Court disposed of the abovementioned Appeals filed by the Applicant and other Power/Cement Plants in Meghalaya and directed the Appellants therein, including DCBL, to file their response to the interim reports of the Committee before this Hon'ble Tribunal. In light of the same, the Applicant has preferred the present Impleadment Application.
8. That Adhunik Cement Limited commissioned its fully integrated cement manufacturing plant in Meghalaya with a capacity of 1.5 million tons per annum of cement and 1.30 million tons per annum of clinker which also has a 25MW Captive Power Plant. Pursuant to the approval of Scheme of Arrangement vide order dated 10.01.2018 passed by the National Company Law Tribunal, Chennai Bench, Adhunik Cement Limited stood merged with the Applicant.

9. The Applicant, by way of the 5th Interim Report, has been fastened with a huge penalty/compensation. The Applicant is thus a necessary and proper party to the present proceeding and would be required to be heard before any Order is passed in the matter.
10. Hence, in view of the above said facts and circumstances it would be in the interest of justice, fair play and equity that the Applicant may be allowed to be impleaded in the present Original Application.
11. Furthermore, the Hon'ble Supreme Court, while disposing of the aforementioned Appeals, directed that "*The Appellants would be at liberty to apply to the NGT for inspection of records, including the underlying documents which were submitted by the Committee.*". Accordingly, the Applicant is filing the requisite forms/ application for inspection of records before this Hon'ble Tribunal. The Applicant also craves liberty to rely to file detailed submissions on the basis of the contents of the aforesaid underlying documents.
12. The present Application is made *bona fide* and in the interest of justice. The Applicant would suffer irreparable harm if the present Application is not allowed. Further, the balance of convenience tilts in favour of the Applicant.

PRAYER

In the abovesaid facts and circumstances, it is respectfully prayed that this Hon'ble Court may be pleased to:-

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

FILED BY


MAHESH AGARWAL
ADVOCATE FOR THE PROPOSED RESPONDENT
AGARWAL LAW ASSOCIATES
19, BABAR ROAD, BENGALI MARKET,
NEW DELHI – 110001
PH: 011 – 42200000
EMAIL – mail@aglaw.in

PLACE: NEW DELHI
DATED: 30.05.2023

BEFORE THE NATIONAL GREEN TRIBUNAL
(PRINCIPAL BENCH), NEW DELHI

IA NO. _____ OF 2023

IN

ORIGINAL APPLICATION NO. 110 (Thc)/ 2012

IN THE MATTER OF:

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

versus

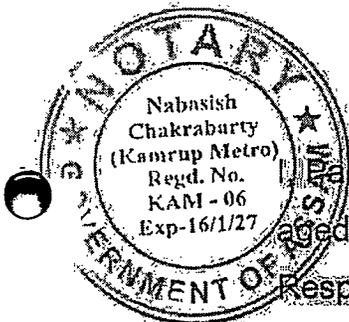
State of Meghalaya & Others ...Respondents

AND

IN THE MATTER OF:

Dalmia Cement (Bharat) Limited ...Proposed Respondent

AFFIDAVIT



I, Padmanav Chakravarty, son of Late Nikhil Chandra Chakravarty, aged about 54 years, Authorized Signatory of the proposed Respondent namely, Dalmia Cement (Bharat) Limited having office at 3rd-4th Floor, ABC-II, ABC, GS Road, Guwahati-781005, Assam, do hereby solemnly affirm and declare as under:

- That I am the Authorized Signatory of the proposed Respondent herein. I am fully conversant with the facts and circumstances of the matter and am competent to swear this affidavit.
- The contents of the accompanying application are true and correct to the best of my knowledge and have been drafted by

NABASISH CHAKRABARTY
NOTARY Govt. of Assam
Regd. No. KAM-06
Panbazar, Guwahati - 781007

30 MAY 2023

DALMIA CEMENT (BHARAT) LTD
[Signature]
AUTHORIZED SIGNATORY

10

the counsel on my instructions and nothing material has been concealed therefrom.

DALMIA CEMENT (BHARAT) LTD



AUTHORISED SIGNATORY
DEPONENT

VERIFICATION:

I, the above named deponent do hereby verify that the facts stated herein above are true to my knowledge and belief and no part of it is false and no material fact has been concealed therefrom.

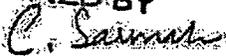
Verified on this 30th day of May, 2023 at Guwahati.

DALMIA CEMENT (BHARAT) LTD

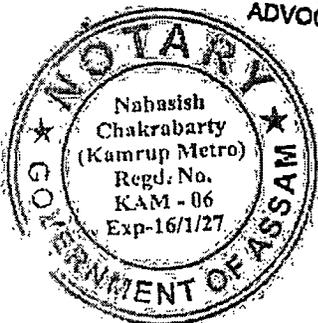


AUTHORISED SIGNATORY
DEPONENT

IDENTIFIED BY



ADVOCATE



SOLEMNLY AFFIRMED and declared before me by the Deponent on being identified by learned Advocate



NABASISI' CHAKRABARTY
NOTARY Govt. of Assam
Regd. No. KAM - 06
Panbazar, Guwahati - 781001

30 MAY 2023

2247

ANNEXURE A-1

11

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No 3280 of 2020

Star Cement Limited & Ors

.... Appellant(s)

Versus

State of Meghalaya & Ors

....Respondent(s)

WITH

Civil Appeal No 4144 of 2020

Civil Appeal No 2302 of 2021

Civil Appeal No 2355 of 2021

Civil Appeal Nos 2726-2727 of 2021

Civil Appeal Nos 4991-4992 of 2021

Civil Appeal No 781 of 2022

Civil Appeal No 3528 of 2022

Civil Appeal No 4962 of 2022

Signature Not Verified

Digitally signed by
Sanjay Kumar
Date: 2023.08.08
16:52:15 IST
Reason:

ORDER

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

3

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

6 The order also took note of another tragic incident which had taken place on 13 December 2018, despite the earlier ban by the NGT.

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

4

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

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

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

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

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

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

6

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

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

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

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

New Delhi;
May 02, 2023
-S-

ITEM NO.11

COURT NO.1

SECTION XVII

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

Civil Appeal No(s).3280/2020

STAR CEMENT LIMITED & ORS.

Appellant(s)

VERSUS

THE STATE OF MEGHALAYA & ORS.

Respondent(s)

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

WITH

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

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

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

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

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

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

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

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

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

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

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

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

PERMISSION TO FILE APPEAL)

C.A. No. 3528/2022 (XVII)
 (WITH IA No.60554/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.60553/2022-EX-PARTE STAY and IA No.60555/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.60552/2022-PERMISSION TO FILE SLP)

C.A. No. 4962/2022 (XVII)
 (WITH IA No. 85588/2022 - STAY APPLICATION)

Special Leave Petition (Civil) Diary No(s). 22753/2022 (XIV)
 (FOR ADMISSION and I.R. and IA No.123797/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.123795/2022-PERMISSION TO FILE SLP, IA No. 187837/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 02-05-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
 HON'BLE MR. JUSTICE J.B. PARDIWALA

For Appellant(s) Mr. Shyam Divan, Sr. Adv.
 Mr. Udayaditya Banerjee, AOR
 Mr. Sudipto Sircar, Adv.
 Ms. Shreya Bhojnagarwala, Adv.

Mr. Pinaki Misra, Sr. Adv.
 Mrs. Vanita Bhargava, Adv.
 Mr. Ajay Bhargava, Adv.
 Mr. Shantanu Chaturvedi, Adv.
 Ms. Prerna Singh, Adv.
 M/S. Khaitan & Co., AOR

Mr. Dhruv Mehta, Sr. Adv.
 Mr. Nawneet Vibhaw, Adv.
 Mr. Himanshu Pabreja, Adv.
 Mr. S. S. Shroff, AOR

Mr. Huzefa A Ahmadi, Sr. Adv.
 Mr. E. C. Agrawala, AOR

Dr. Ashok Saraf, Sr. Adv.
 Mr. Kaushik Choudhury, AOR

Mr. Manpreet Singh Lamba, Adv.
 Mr. Pulkit Agarwal, AOR
 Mr. Sanampreet Singh, Adv.

Mr. Shivani Sharma, Adv.
 Mr. Ashutosh Kumar, Adv.
 Mr. Palav Agarwal, Adv.
 Mr. Aditya Mishra, Adv.

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

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

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

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

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

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

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

Special Leave Petition (Civil) Diary No 22753 of 2022

- 3 In view of the order which has been delivered in the batch of appeals² listed together with the Special Leave Petition, Mr Shyam Divan, senior counsel, seeks the permission of the Court to withdraw the Special Leave Petition so as to pursue appropriate remedies before the High Court.
- 2 Civil Appeal No 3280 of 2020 etc.

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

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)

ANNEXURE A-2**22**REVISED

ITEM NO.14 Court 5 (Video Conferencing) SECTION XVII

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

CIVIL APPEAL Diary No(s).16698/2021

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

DALMIA CEMENT (BHARAT) LTD.

Petitioner(s)

VERSUS

THE STATE OF MEGHALAYA & ORS.

Respondent(s)

(With applns for exemption from filing c/c of impugned judgment, ex-parte stay, Permission to file appeal)

Date : 23-08-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAIFor Petitioner(s) Mr. Mahesh Agarwal, Adv.
Mr. Rohan Talwar Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s)

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

Permission to file appeal is granted.

Issue notice.

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

(B.Parvathi)
Court Master(Anand Prakash)
Court Master

ITEM NO.14 Court 5 (Video Conferencing)

SECTION XVII

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

CIVIL APPEAL Diary No(s).16698/2021

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

DALMIA CEMENT (BHARAT) LTD.

Petitioner(s)

VERSUS

THE STATE OF MEGHALAYA & ORS.

Respondent(s)

(With applns for exemption from filing c/c of impugned judgment, ex-parte stay, Permission to file appeal)

Date : 23-08-2021 This petition was called on for hearing today.

CORAM

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAIFor Petitioner(s) Mr. Mahesh Agarwal, Adv.
Mr. Rohan Talwar Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s)

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

List along with C.A.No.3280 of 2020.

(B.Parvathi)
Court Master(Anand Prakash)
Court Master

BEFORE THE NATIONAL GREEN TRIBUNAL
(PRINCIPAL BENCH), NEW DELHI
ORIGINAL APPLICATION NO. 110 (THC)/ 2012

IN THE MATTER OF:

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

Applicant

versus

State of Meghalaya & Others

Respondents

AND

IN THE MATTER OF:

Dalmia Cement (Bharat) Limited

Proposed Respondent

VAKALTNAMA

1. KNOW ALL to whom these presents shall come that I, Padmanav Chakravarty, authorised signatory of the above named proposed Respondent, Dalmia Cement (Bharat) Limited, do hereby appoint SHRI MAHESH AGARWAL AND SHRI RISHI AGRAWALA, ADVOCATES, AGARWAL LAW ASSOCIATES, 19 BABAR ROAD, BENGALI MARKET, NEW DELHI-110001 hereinafter called the Advocate to be My/our Advocate in the above noted case and authorize him:
 2. To act, appear and plead in the above noted case in this court in any other court in which the same may be tried or heard and also in the appellate courts.
 3. To sign, file, verify and present pleading, applications, appeals, cross-objections or petitions for execution, review, revision, withdrawal, compromise or other petition, replies, objections affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.
 4. To file and take back documents.
 5. To withdraw, or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
 6. To take out execution proceedings.
 7. To deposit, draw and receive moneys, cheques and grant receipts therefor and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
 8. To appoint and instruct any other Legal Practitioner authorizing him to exercise the powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on my/our behalf.
 9. And I/we the undersigned do hereby agree to ratify and confirm acts done by the Advocate or his substitute in the matter my/our own acts as if done by me/us to all intents and purposes.
 10. And I/we undertake that I/we or my/our authorised agent would appear in the court on all hearings and will inform the Advocate for appearance when the case is called.
 11. And I/we the undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequence of his absence from the court when the said case is called up for hearing or for any negligence of the said Advocate or his substitute.
 12. And I/we the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment, the Advocate would be entitled to the same.

13. IN WITNESS WHERE OF I/we do hereunto set my/our hand to these presents of which have been understood by me/us this 30th day of May, 2023.

ACCEPTED:

(MAHESHA GARWAL) (RISHU AGRAWALA)

Advocates

AGARWAL LAW ASSOCIATES

19, Babar Road, Bengali Market

New Delhi-110 001

PH.: 42200000

Rohan

D/30/23 *D/1001/97*

DALMIA CEMENT (BHARAT) LTD

AUTHORISED SIGNATORY

CLIENT



ANNEXURE A-1
~~2262~~

11

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No 3280 of 2020

Star Cement Limited & Ors

.... Appellant(s)

Versus

State of Meghalaya & Ors

....Respondent(s)

WITH

Civil Appeal No 4144 of 2020

Civil Appeal No 2302 of 2021

Civil Appeal No 2355 of 2021

Civil Appeal Nos 2726-2727 of 2021

Civil Appeal Nos 4991-4992 of 2021

Civil Appeal No 781 of 2022

Civil Appeal No 3528 of 2022

Civil Appeal No 4962 of 2022

Signature Not Verified

Digitally signed by
Sanjay Kumar
Date: 2022.05.08
16:52:03 IST
Reason: 

ORDER

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

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

6 The order also took note of another tragic incident which had taken place on 13 December 2018, despite the earlier ban by the NGT.

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

4

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

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

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

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

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

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

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

7

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

13 The appeals shall accordingly stand disposed of.

14 Pending application, if any, stands disposed of.

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

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

New Delhi;
May 02, 2023
-S-

ITEM NO.11

COURT NO.1

SECTION XVII

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

Civil Appeal No(s).3280/2020

STAR CEMENT LIMITED & ORS.

Appellant(s)

VERSUS

THE STATE OF MEGHALAYA & ORS.

Respondent(s)

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

WITH

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

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

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

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

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

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

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

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

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

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

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

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

PERMISSION TO FILE APPEAL)

C.A. No. 3528/2022 (XVII)

(WITH IA No.60554/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.60553/2022-EX-PARTE STAY and IA No.60555/2022-EXEMPTION FROM FILING AFFIDAVIT and IA No.60552/2022-PERMISSION TO FILE SLP)

C.A. No. 4962/2022 (XVII)

(WITH IA No. 85588/2022 - STAY APPLICATION)

Special Leave Petition (Civil) Diary No(s). 22753/2022 (XIV)

(FOR ADMISSION and I.R. and IA No.123797/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.123795/2022-PERMISSION TO FILE SLP, IA No. 187837/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 02-05-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Appellant(s)

Mr. Shyam Divan, Sr. Adv.
Mr. Udayaditya Banerjee, AOR
Mr. Sudipto Sircar, Adv.
Ms. Shreya Bhojnagarwala, Adv.Mr. Pinaki Misra, Sr. Adv.
Mrs. Vanita Bhargava, Adv.
Mr. Ajay Bhargava, Adv.
Mr. Shantanu Chaturvedi, Adv.
Ms. Purna Singh, Adv.
M/S. Khaitan & Co., AORMr. Dhruv Mehta, Sr. Adv.
Mr. Nawneet Vibhaw, Adv.
Mr. Himanshu Pabreja, Adv.
Mr. S. S. Shroff, AORMr. Huzefa A Ahmadi, Sr. Adv.
Mr. E. C. Agrawala, AORDr. Ashok Saraf, Sr. Adv.
Mr. Kaushik Choudhury, AORMr. Manpreet Singh Lamba, Adv.
Mr. Pulkit Agarwal, AOR
Mr. Sanampreet Singh, Adv.

Mr. Shivani Sharma, Adv.
 Mr. Ashutosh Kumar, Adv.
 Mr. Palav Agarwal, Adv.
 Mr. Aditya Mishra, Adv.

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

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

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

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

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

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

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

Special Leave Petition (Civil) Diary No 22753 of 2022

- 3 In view of the order which has been delivered in the batch of appeals² listed together with the Special Leave Petition, Mr Shyam Divan, senior counsel, seeks the permission of the Court to withdraw the Special Leave Petition so as to pursue appropriate remedies before the High Court.
- 2 Civil Appeal No 3280 of 2020 etc.

21

2272

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

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR
(Signed order is placed on the file)

ANNEXURE A-2
2273

22

REVISED

ITEM NO.14 Court 5 (Video Conferencing)

SECTION XVII

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

CIVIL APPEAL Diary No(s).16698/2021

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

DALMIA CEMENT (BHARAT) LTD.

Petitioner(s)

VERSUS

THE STATE OF MEGHALAYA & ORS.

Respondent(s)

(With applns for exemption from filing c/c of impugned judgment, ex-parte stay, Permission to file appeal)

Date : 23-08-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

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

For Respondent(s)

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

Permission to file appeal is granted.

Issue notice.

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

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

23

ITEM NO.14 Court 5 (Video Conferencing)

SECTION XVII

2274
S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s).16698/2021

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

DALMIA CEMENT (BHARAT) LTD.

Petitioner(s)

VERSUS

THE STATE OF MEGHALAYA & ORS.

Respondent(s)

(With applns for exemption from filing c/c of impugned judgment, ex-parte stay, Permission to file appeal)

Date : 23-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI

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

For Respondent(s)

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

List along with C.A.No.3280 of 2020.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

BEFORE THE NATIONAL GREEN TRIBUNAL
(PRINCIPAL BENCH), NEW DELHI
ORIGINAL APPLICATION NO. 110 (THC)/ 2012

IN THE MATTER OF:

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

versus

State of Meghalaya & Others

Applicant

AND

Respondents

IN THE MATTER OF:

Dalmia Cement (Bharat) Limited

Proposed Respondent

VAKALTNAMA

1. KNOW ALL to whom these presents shall come that I, Padmanav Chakravarty, authorised signatory of the above named proposed Respondent, Dalmia Cement (Bharat) Limited, do hereby appoint: **SHRI MAHESH AGARWAL AND SHRI RISHI AGRAWALA, ADVOCATES" AGARWAL LAW ASSOCIATES, 19 BABAR ROAD, BENGALI MARKET, NEW DELHI-110001"** hereinafter called the Advocate to be My/our Advocate, in the above noted case and authorize him:
 2. To act, appear and plead in the above noted case in this court in any other court in which the same may be tried or heard and also in the appellate courts.
 3. To sign, file, verify and present pleading, applications, appeals, cross-objections or petitions for execution, review, revision, withdrawal, compromise or other petition, replies, objections affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.
 4. To file and take back documents.
 5. To withdraw, or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
 6. To take out execution proceedings.
 7. To deposit, draw and receive moneys, cheques and grant receipts therefor and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
 8. To appoint and instruct any other Legal Practitioner authorizing him to exercise the powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on my/our behalf.
 9. And I/we the undersigned do hereby agree to ratify and confirm acts done by the Advocate or his substitute in the matter my/our own acts as if done by me/us to all intents and purposes.
 10. And I/we undertake that I/we or my/our authorised agent would appear in the court on all hearings and will inform the Advocate for appearance when the case is called.
 11. And I/we the undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequence of his absence from the court when the said case is called up for hearing, or for any negligence of the said Advocate or his substitute.
 12. And I/we the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment, the Advocate would be entitled to the same.

DALMIA CEMENT (BHARAT) LTD.

AUTHORISED SIGNATORY

13. IN WITNESS WHERE OF I/we do hereunto set my/our hand to these presents of which have been understood by me/us this 30th day of May, 2023.

DALMIA CEMENT (BHARAT) LTD

Rishi
AUTHORISED SIGNATORY

CLIENT

ACCEPTED:

D/1453/93 *D/1001/97*
(MAHESH AGARWAL) (RISHI AGRAWALA)

Rohini
Advocates
AGARWAL LAW ASSOCIATES
19, Babar Road, Bengali Market
New Delhi-110 001
PH.: 42200000

