

IN THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH

NEW DELHI

ORIGINAL APPLICATION NO. 723 OF 2023

IN THE MATTER OF:

Jan Kalyan Bhoomi Mukhti Foundation

... Applicant

VERSUS

Ministry of Coal & Ors.

... Respondents

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1.	Rejoinder on behalf of the Applicant to the reply filed by the Respondents along with an Affidavit.	

**DATE:** May 24, 2024

**PLACE:** NEW DELHI

  
**ANKIT VERMA**

**ADVOCATE FOR THE APPLICANT**

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## ORIGINAL APPLICATION NO. 723 OF 2023

## IN THE MATTER OF:

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**REJOINDER ON BEHALF OF THE APPLICANT/JAN KALYAN BHOOMI  
MUKHTI FOUNDATION TO THE REPLY FILED BY RESPONDENTS**

1. The present Rejoinder is being filed on behalf of Jan Kalyan Bhoomi Mukhti Foundation ("**Applicant**"), in response to the Reply filed by Central Coalfields Limited and VTPPL IHEPPL ARC Consortium ("**Respondents**") to the present Original Application.
2. At the very outset, the Applicant herein denies each and every averment as stated in the Reply filed on behalf of the Respondents except those which are a matter of record and/or which have been expressly admitted to herein. In this regard, there may not be deemed to be any admission on the part of the Applicant herein for want of specific denial and /or traverse.
3. It is submitted that the detailed submissions made by the Applicant in the Original Application and may be read as part and parcel of the present Rejoinder and the same is not being reiterated herein for the sake of brevity. Considering the nature of the averments contained in the reply filed by the Respondents, the Applicant does not prefer a para-wise Rejoinder to the same and is dealing with the issues involved therein.
4. It is further submitted that each and every submission, as stated in the present Rejoinder, is independent and without prejudice to the other submission as stated herein.

**SUBMISSIONS**

- A. At the outset it is submitted that the reply filed on behalf of the Respondents is false and vexatious. In this respect, any and all averments made by the Respondents that are not borne out from the record are specifically denied.
- B. It is humbly submitted before the Learned tribunal that the act of the Respondents is not in compliance of the procedure laid down in EIA Notification, 2006. Further, that the involvement of private companies in mining activities will led to severe deterioration of environment in the concerned areas.
- C. It is humbly submitted that the Mine is surrounded by Forest land of 251.58 acres and that the mining activities would adversely impact the flora and fauna of the said area. In furtherance to this the people residing in the area will suffer due to acute noise pollution and severe air and water pollution caused due to the mining activities.
- D. It is submitted that the purpose of having coal mining companies overseeing the coal blocks has been defeated as the various private entities engaged by these government companies have no regard to the hazardous environmental impact of mining and are recklessly continuing with mining activities. The private companies will not keep checks and balances with regard to its impact on the environment and that the private entities are driven solely by commercial and financial benefits to undertake the mining activities and have no regard to the environmental hazards which are caused due to the mining process. It is pertinent to note that in the absence of any environmental safeguards in place to control the illicit mining being carried out, it is adversely impacting the environment which eventually is leading to severe irreversible air, water and noise pollution.
- E. It is submitted that the coal will be extracted by way of 4 different types of mining activities i.e Surface, opencast, highwall and underground. Without prejudice to the submissions made herein and the Original Application it is imperative to mention that the worst type

of mining with respect to environment is opencast and that it has the maximum adverse effect on the environment, thus it is humbly submitted that the said type of mining should not be permitted.

- F. It is submitted that the expert committee should be formed as now the private entities are involved in the mining activities it is a need of an hour that new guidelines shall be framed pursuant to the process and preconditions required to be fulfilled before auctioning of coal mines.
- G. It is submitted that the Respondents mandatorily needs to comply with the mining regulations along with the notifications issued by MOEF from time to time to protect the environment.
- H. In the light of foregoing submissions and the submissions made in the Original Application it is prayed that the LOA issued to the Respondent 4 shall be quashed and an expert committee shall be formed for revising the guidelines as the private entities are having a stake in the mining industry.



**Jan Kalyan Bhoomi Mukhti Foundation**

**Through**

**Date:** May 24, 2024

**Place:** New Delhi

**Advocate for the Applicant**

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**AFFIDAVIT**

I, Rajesh Kumar son of Dhyan Singh, aged about 48 years, Trustee of the Applicant, having its registered office at 316/A, Lado Sarai, New M.B. Road, South Delhi, Delhi- 110030, do hereby solemnly affirm and state as hereunder:

1. That I am the trustee of the Applicant organization herein and as such I am fully conversant with the facts and circumstances of the instant case and therefore, competent and authorized to swear and affirm this affidavit by the Applicant organization vide Board Resolution dated 2 December 2023.
2. That I have read and understood the contents of the Rejoinder and say that what is stated therein is true to the best of my knowledge and belief, based on the records maintained by the Applicant nothing material has been concealed therefrom.

I identify the deponent who has signed in my presence

  
DEPONENT

**VERIFICATION:**

I, the deponent abovenamed do hereby verify that the contents of foregoing affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

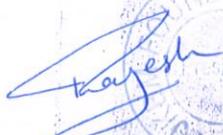
Verified at New Delhi on this the 24<sup>th</sup> day of May 2024.



ATTESTED  
  
NOTARY PUBLIC, DELHI

24 MAY 2024

VIJAY DEVIKA TOWER  
KALRU PLACE, NEW DELHI-10

  
DEPONENT