

S. R... 6701/23
 Piece... 1
 Date... 06/12/23

1

BEFORE THE NATIONAL GREEN TRIBUNAL
 PRINCIPAL BENCH, NEW DELHI

Original Application No. 817 OF 2022

IN THE MATTER OF:

SUO MOTU ACTION IN ILLEGAL DUMPING OF COAL
 AT RAILWAY SIDING AT KRISHNASHILA,
 SONBHADRA

...APPLICANT

VERSUS

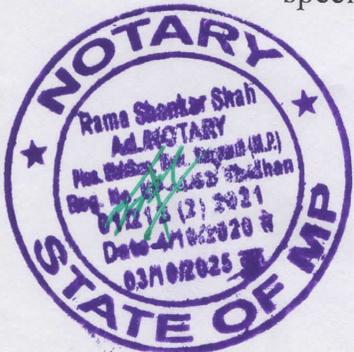
UNION OF INDIA & ORS.

...RESPONDENTS

RESPONSE ON BEHALF OF NORTHERN COALFIELDS LTD

I, Indrajeet Singh, aged about 58 years, S/o Sh. H.C. Singh, presently working as General Manager, Northern Coalfields Ltd, Bina Project, District-Sonebhadra, Uttar Pradesh-231220, Presently at do hereby solemnly affirm and declare as under: -

1. That I am working as the General Manager, Northern Coalfields Limited, Bina Area, as such in my official capacity, I am well conversant with the facts and circumstances of the Present Case and also Competent to swear this Present Affidavit.
2. That the Northern Coalfields Ltd vide its letter dated 07.04.2023 has specifically pointed out that the Committee Report dated 22.03.2023



Indrajeet Singh
 महाप्रबंधक
 एन. सी. एम. बीना परियोजना

itself is in violation of the order dated 16.11.2022 of this Hon'ble Tribunal which stated to hear the parties. But the Northern Coalfields was not given any opportunity to clarify its stand or response. A copy of the NCL letter dated 07.04.2023 is annexed herewith and marked as ANNEXURE R-1.

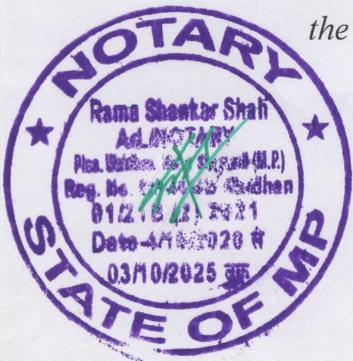
3. That this Hon'ble Court in its ex-parte order dated 02.05.2023 while determining compensation to be Rs. 10 Crores has recorded the observations made by the Joint Committee in its report dated 16.11.2022 which stated as under:-

"xxxx

2.2 As informed Bina OCP, the Krishnashila siding is good shed railway siding under operational control/physical possession of East Central Railway. Above land was acquired for CCL (NCL) Bina Project under section 9(i) of the Coal Bearing Areas (Acquisition and Development Act, 1957 in the year 1957). The railway made request for part of this land for laying of track/railway infrastructure for Karila-Bina-Jayant (KBJ) branch rail line.

2.3 On dated 22.03.1978, General Manager, NCL. Singrauli approved alignment of KBJ Branch line. The Railways were asked vide letter no. GM/SGR/TR land/Bina/77/53355-57 dated 22.03.201978 to make an adhoc payment of Rs. 2,41,000 provisionally, pending finalization of the area to be transferred/leased to the Railway. Payment of Rs. 2,41,000 was made by railway vide cheque no.8717-12 dated- 22.04.1978.

2.4. The matter was put up before CCL Board and the approval of the board was conveyed vide letter no. GM(P&C)/69

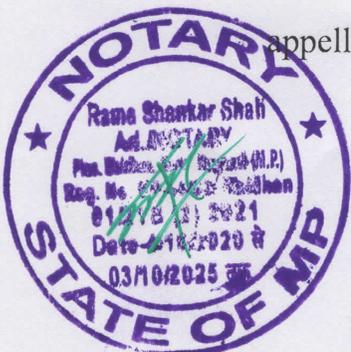


राम शंकर सिंह
महाप्रबंधक
एन. सी. एम. बीना परियोजना

land measuring 35 Bighas is under actual physical possession of the Eastern Railway which is used by the Railway for storage/transportation of coal to its customers and the applicant/ Northern Coalfield has no say in the storage/transportation of coal to its customers/purchaser. Krishnashila Railway station is also a station for public transport other than the goods carrier platform. As per the report dated 08.08.2022 on Krishnashila Railway Goodshed Siding, NCL at Clause 4.0 the sellers responsibility ceases once the loaded trucks of the purchaser crosses the Mine Barrier/checkpost of that particular mine. Purchaser is solely responsible for safety, security etc of coal beyond the mine barrier. It is made clear that Northern Coalfields Ltd, Krishnashila Project and Northern Coalfields Ltd, Bina Project are different entities.

5. That this Hon'ble Tribunal vide its order dated 11.08.2023 rejected the Review Application No. 26/2023 of the Northern Coalfields Ltd holding that the land in question belongs to Review Applicant and coal dumped threat was also on account of the activities of Review Applicant. But the fact remains that the land in question is in physical possession of the East Central Railway. A copy of the order dated 11.08.2023 passed by this Hon'ble Tribunal in Review Application No. 26/2023 is annexed herewith and marked as ANNEXURE R-3.

6. That being aggrieved by the order dated 02.05.2023 passed in O.A No. 817/2022 and Review Application No. 26/2023, the Northern Coalfields Ltd has preferred Civil Appeal under section 22 of the NGT Act, 2010 read with section 100 of Code of Civil Procedure before the Hon'ble Supreme Court. Wherein the Hon'ble Supreme Court vide its order dated 15.09.2023 passed in Civil Appeal Diary No. 36306/2023 directed the appellant to furnish details, by way of an affidavit, of the alleged



हरनी सिंह
 महाप्रबंधक
 एन. सी. एल. बीना परियोजना

purchaser(s) of coal who had dumped the coal in the area/land in question, to file latest aerial/satellite photographs of the area/land in question along with the affidavit, to place on record the pollution level monitoring done/undertaken by the appellant, to deposit Rs.2 crores with the authorities. Subject to the payment and compliance of the aforesaid directions and those in the impugned judgment, there will be stay of operation of the impugned judgment to the extent it directs the appellant-Northern Coalfields Ltd. (Bina Project) to deposit/make payment of Rs. 10 Crores. A copy of the order dated 15.09.2023 passed by Hon'ble Supreme Court in Civil Appeal Diary No. 36306/2023 is annexed herewith and marked as ANNEXURE R-4.

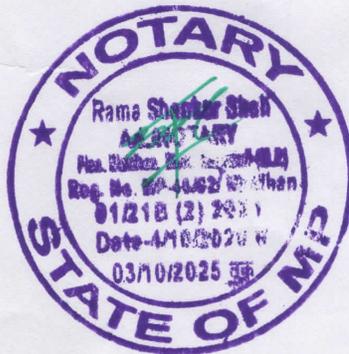
7. That the counsel for the Northern Coalfields Ltd has filed his Vakalatnama in O.A No. 817/2022 on 1st June, 2023. But the name of the counsel for respondent was not updated/reflected in the cause list when the matter was listed on 25.09.2023 due to which inadvertently the Northern Coalfields Ltd remained unrepresented before this Hon'ble Tribunal when the matter was taken up for hearing on 25.09.2023. A copy of the cause list for 25.09.2023 is annexed herewith and marked as ANNEXURE R-5.

8. That as per the data received from the Mining Officer, Sonebhadra total 13 firms have claimed release of coal stacked at Krishnashila Railway Siding and to whom the coal has already been received. A true translated copy of the Letter No. 4324/Mining/2022-23 dated 15.03.2023 alongwith its hindi copy is annexed herewith and marked as ANNEXURE R-6.



रुद्रवीर सिंह
 महाप्रबंधक
 एन. सी. एल. बीना परियोजना

9. That the latest aerial photographs of the Krishnashila Railway Siding area captured through drone on 13th October 2023 is annexed herewith and marked as ANNEXURE R-7 .
10. That the pollution level monitoring of ambient air, surface water and noise level monitoring was carried out by CMPDIL in the month of October 2023 at Krishnashila Railway Siding area. The final report of pollution level monitoring was provided through email dated 09.11.2023. A copy of the Report prepared by CMPDIL is annexed herewith and marked as ANNEXURE R-8.
11. That an amount of Rs. 2 crores has been deposited by NCL Bina Project in the account of UPPCB (A/c 701502010002104, IFSC Code : UBIN0570150) on 17.10.2023 with transaction UTR No. UTIBR72023101700031786. The deposit of amount has been duly communicated to the Uttar Pradesh Pollution Control Board, Lucknow vide letter no. Bina/Env/UPPCB/2023/167 dated 23.10.2023. A copy of the NCL letter no. Bina/Env/UPPCB/2023/167 dated 23.10.2023 is annexed herewith and marked as ANNEXURE R-9 at page to .
12. That the Northern Coalfields Ltd is taking appropriate remedial action, in accordance with Statutory provisions for prevention, control and abatement of environmental pollution/degradation and for protection and improvement of environment.
13. That I say that the Annexure A-1 to A- annexed along with the present Affidavit are true copy of its respective original.



रामशंकर शिव
महाप्रबंधक
एन. सी. एन. बीना परियोजना

S. R. 6701/23
 Piece.... Affidavit
 Date.... 06/12/23

14. I say that averments of facts stated herein above are true to my knowledge, no part of it is false and has been derived from the official records and nothing material has been concealed therein.

कःदलील सिंह

DEPONENT

महाप्रबंधक
 एन. सी. एन. बीना परियोजना

VERIFICATION

I, above named deponent mentioned above do hereby most solemnly affirm and verify that what is stated in the above affidavit is true to my knowledge and I believe the same to be true as per the official records of Northern Coalfield Ltd.

Verified at Singrauli on this _____ day of December, 2023.



कःदलील सिंह

महाप्रबंधक

एन. सी. एन. बीना परियोजना
 DEPONENT

Ramashankar Shah
 NOTARY Waldhan
 Dist Court Singrauli (M.P.)



कःदलील सिंह

महाप्रबंधक

एन. सी. एन. बीना परियोजना

238

ANNEXURE R-1

8

Northern Coalfields Limited

(A Miniratna Company)

(A subsidiary of Coal India Limited)

Office of the General Manager
CIN U10102MP1985001003160
An ISO 9001, ISO 14001 & ISO 45001
Certified Company

Post- Bina, District: Sonbhadra, U.P. PIN: 231220

Phone: 05446-276633, (FAX) 05446-276633

email: gmkrs1@gmail.com website: www.ncjci.in

Bina/P./U.P.P.N.B/2023/02

Dated: 07.04.2023

To,

Chief Environment Officer Circle 2.
Uttar Pradesh Pollution Control Board,
T.C. 12th, Vibhuti Khand, Gomti Nagar,
Lucknow- 22610

Subject:- Regarding imposition of environmental compensation on Northern Coalfields Ltd., Bina Project, Bina, Sonbhadra.

Ref:- Letter No. H91134/ C-2/ NGT-62/ OA. No. 817/2023 dated: 25/03/2023

Sir,

With reference to the above subject, we would like to inform you that Krishnashila Railway Siding is a private goods shed siding under East Central Railway. The said land was acquired in 1975 by the NCL Bina Project under

Section 9(1) of the CBA (A&D) Act 1957, which was transferred by applying for leasing from the project by the East Central Railway for the construction of the Karela Bina Jayant (KBJ) branch railway line at Bina. For this, the process of transfer was initiated but the land could not be transferred to Railways, as the said land was vested in NCL under CBA Act. Copies of records related to this case are attached as Annexure-1. Krishnashila Goods Shed Siding is currently under the authority and control of East Central Railway.

Krishnashila railway siding was being used by various coal consumers for coal storage and transportation by rail over which Bina Project had no control or authority.

Under the Fuel Supply Agreement (FSA) of NCL, the entire responsibility for handling of coal outside the mine barrier rests solely with the buyer/ buyers.

NCL has no ownership and control over the Goods shed of railway, activities or coal piled at Goods shed Siding by the purchasers. In this regard, information was also given to Additional District Officer, Sonbhadra under letter

number Bina/ PJ/ 2022/115, dated 16/08/2022 (Annexure-2).

At Bina Mine Barrier, it is ensured that the trucks carrying coal by consumers are completely covered with tarpaulin, for this security check and 24X7 CCTV cameras are installed.

Here, it is also relevant to bring to light the fact that as per para 7 of the order dated 16.11.2022 passed in OA No. 817/2022 (Sandal Parveen v/ s Union of India & Others) convened in the Honourable National Green Tribunal, New Delhi, instructions were given to provide a copy of the notice and report to the concerned parties by the fact finding committee, so that the concerned parties (NCL, Bina Project) could present their stand/ defence within a month. Thereafter, only in case where no remedial action is taken, their accountability can be fixed and their responsibility for previous violations will be fixed.

It is worth mentioning that due to non-compliance of the said direction, M/s Northern Coalfields Limited, Bina

Project did not get an opportunity to defend itself or present its argument. As a result, the above facts could not be placed before the committee. Therefore, the letter dated 25.03.2023, regarding instructions for assessment and deposit of environmental compensation has been issued in violation of para-7 of the said order, which is contrary to the principles of natural justice.

Therefore, in this regard, you are requested to reconsider and remove the environmental compensation imposed on the Bina project.

kind regards

Yours truly
Regional General Manager
Bina Project

Copy :- For information

1. The Director (Tech/ Y & P), NCL, Singrauli.

Copy :-

1. The District Magistrate, Sonbhadra.

2. Regional Officer, Uttar Pradesh Pollution Control Board,
Sonbhadra.

3. General Manager (Environment and Forest), NCL,
Singrauli. ,

Item No. 04

Court No. 1

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

Original Application No. 817/2022

(With report dated 22.03.2023)

Suo Motu Action in Illegal Dumping of Coal at Railway
Siding at Krishnashila, Sonbhadra

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 02.05.2023

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Ajay Kumar Sharma, Member Secretary, UPPC

Mr. Chandra Vijay Singh, District Magistrate, Sonbhadra, UP

ORDER

1. Grievance in this application is against violation of environmental norms by dumping of coal in 35 bighas area in the vicinity of residential area at Krishnashila Railway siding, Bina, Shaktinagar, District Sonbhadra, UP., which is the land of the Northern Coal Field Limited. Coal has been dumped without any permission and is accumulated through illegal transportation from coal fields. The same is resulting in damage to the water bodies, contamination of ground water and air pollution. It is causing pollution by acidic water emanating from such depots as well as due to gradual and continuous burning of coal at above mentioned depots. They discharge harmful effluents directly into the atmosphere creating serious degradation of air quality in the area.

Emission of fine particulates increase due to storage of illegal coal as well as spontaneous coal combustion related harmful gases like SO₂ CO₂ and others, creating serious health issues to the local residents of the area. Illegal coal dumping/operating coal depot in open place without adopting due procedure causes havoc and serious degradation of environment both water and air pollution hence contrary to the provisions of Environmental Protection Act 1986, Water (Prevention and Control) Act, 1974 and Air Prevention and Control of Pollution Act, 1981. The Coal Mines Regulation 1957, Hazardous Waste (Management and Handling and Transboundary Movement) Rules, 2008 and Standard Operating Procedures/Guidelines as prescribed by the CPCB.

2. It is further stated that the area is part of critically polluted industrial area as per CEPI Index which is on account of operation thermal power stations, aluminum industries, chemical industries, mining industrial, cement plants and stone pressures. The area is also occupied by accumulated fly ash in the vicinity of Rihand Reservoir by NTPC Ltd., UPRVUNL, M/s Lanco Power and M/s Hindalco Industries Ltd. U.P. Disposal of ash slurry as well as Rihand Reservoir leads to silting of the Rihand Reservoir as well as contaminate the water of the Rihand Reservoir which is the only source of drinking water in the area. Due to discharge of mercury bearing brine sludge directly into the Rihand Reservoir through various streams /water bodies in past by M/s Aditya Birla Chemicals Ltd. (formerly M/s Kanoria Chemicals Ltd. U.P.), the water of the Rihand Reservoir is severely polluted. Northern Coal fields Limited and its subsidiary coal fields discharge highly contaminated water through various seems /sewages /nalas which flows directly into Rihand Reservoir containing harmful effluents. at Krishnashila Railway Station

3. The applicants have relied upon media reports in support of their case and earlier orders of this Tribunal dated 25.08.2014 in O.A. No. 276/2013, *Ashwani Kumar Dubey vs. UOI & Ors.* and subsequent orders in the said and other related matters.

4. Vide order dated 16.11.2022, on consideration of the matter, the Tribunal sought a factual report in the matter from a joint Committee headed by Regional Officer (Chief Conservator of Forest), MoEF&CC, Lucknow, Member Secretary of UP State PCB and District Magistrate, Sonbhadra. While giving the report, the Committee was required to put the violators to notice for their response, if any, before this Tribunal.

5. Accordingly, report dated 22.03.2023 has been filed to the effect that “1.0 million tonne dumped coal was seized by Local Administration and subsequently two notices were also issued. 7 claimant's claimed for the dumped coal, which was released to them by local administration. After release, around 45-50% coal is still there on site, which can be released subsequently after claimants put forward their claim”. The observations, conclusion and recommendation in the report are as follows:-

“2.0 Major Observations:

- 2.1 *Committee observed that the significant quantity of coal is dumped near railway known as Krishnasila railway siding, which is adjacent to Bina OCP of Northern Coal Field (NCL).*
- 2.2 *As informed Bina OCP, the Krishnashila siding is good shed railway siding under operational control/ physical possession of East Central Railway. Above land was acquired for CCL (NCL) Bina project under section 9(i) of the Coal Bearing Areas (Acquisition and Development Act, 1957 in the year 1957. The railway made request for part of this land for laying of track/railway infrastructure for Karila-Bina-Jayant (KBI) branch rail line.*
- 2.3 *On dated 22.03.1978, General Manager, NCL. Singrauli approved alignment of KBJ Branch line. The Railways were asked vide letter no. GM/SGR/TR land/Bina/77/53355-57*

dated 22.03.201978 to make an adhoc payment of Rs. 2,41,000 provisionally, pending finalization of the area to be transferred/leased to the Railway. Payment of Rs. 2,41,000 was made by railway vide cheque no.8717-12 dated-22.04.1978.

- 2.4. *The matter was put up before CCL Board and the approval of the board was conveyed vide letter no. GM(P&C)/69 /CCL/Board/79/5256-58 dated 25.09.1979. Since then, the land under physical possession of East Central Railways. (Copy of letter is attached as Annexure B)*
- 2.5 *Ministry of Energy, department of coal was requested for approval for leasing out 105.81 Acre of Land to Eastern Railway vide letter no. SGR/REV/IV-1/88/1288 dated 24.10 1988 with due approval of CMD, NCL. The land could not be transferred to railways as the said land has been vested to NCL under CBA Act 1957.*
- 2.6 *The siding was used by different coal consumers for transporting of coal through rail mode purchased from various mines of NCL. The handling of coal beyond the mine barrier is sole responsibility of the purchaser under FSA, NCL has no jurisdiction either over the activities at good shed siding of Railways or over the coal stacked at the good shed siding by the purchasers.*
- 2.7 *As per Google satellite image the area of the coal stockpile is around 19 ha (in acre 46), which include significant water body (around 2 ha.). Copy of image has been annexed as Annexure No. C.*
- 2.8 *Spontaneous combustion in coal stockpile has also been observed in various patches, which significantly deteriorate the local air quality.*
- 2.9 *Spontaneous combustion in coal stockpile is mainly propagated by low temperature oxidation, which is common in cold weather. Such fire release various gasses to atmosphere namely methane (CH₄), carbon mono oxide (CO), carbon di oxide (CO₂) etc along with soot particle. During foggy weather (specially in month of late November to early February), movement of such parcel (gasses) are restricted within the lower atmosphere, due to inversion situation,*
- 2.10 *In addition to Spontaneous combustion in coal stockpile dust emission in area in question is also very high due to heavy dust lying (more than 6 inches) on the way to reach the coal dumping site and construction of the new railway line is also going on the area of concern.*
- 2.11 *Committee requested to UPPCB to conduct ambient air quality monitoring in area in question. Analysis report depicted that the values of PM₁₀, is 460 Ng/m³ , which is approx.5 times more than the permissible limit of 100 Ng/m³ . Report attached as Annexure D.*

- 2.12 *Release of such gases to the environment, may severely affect flora and fauna health and its safety due to their toxicity and flammability. Few residential quarters are noticed within the vicinity.*
- 2.13 *Land slope of coal stockpile shows that the water body within the area carry all surface runoff during rainy time etc. which passes below the railway track and finally meets to Rihand reservoir and pollute its quality. The distance of Rihand reservoir from coal stockpile is around is around 2.5 km. which is also evident from Goggle satellite image, annexed as Annexure No. F,*
- 2.14 *Committee directed to UPPCB to conduct surface water quality monitoring in area in question. Analysis report depicted that the values of all parameters are found within the permissible limit. Analysis report is attached as Annexure F.*
- 2.15 *Google satellite image shows that the dumping of coal in Krishnasila railway siding was observed during 2017, two small patches was noticed in 2018 onwards, which was continuously increasing up to 2020. Google satellite image of 2021 is not available.*
- 2.16 *Google satellite image shows that the significant coal stockpile was observed in year, Dec. 2022 in area in question.*
- 2.17 *As per information provided by the Mining office, Sonbhadra vide letter dated 03.03.2023 and 15.03.2023 to state that approx. 2, 97,561.252 metric ton coal was dumped at area in question and 2, 63,296.64 metric ton coal was claimed by different companies, approx. 1. 68,324.402 metric tonn seized coal was released to 13 claimant since Nov, 2022 to Feb, 2023 and 1, 29,236.85 metric ton coal is still present at area in question. Detailed list along with quantity of coal and date of release is enclosed as Annexure G, A and B.*
- 2.18 *No control system has been observed to control the spontaneous combustion of coal either by NCL, Railways, Claimants, coal handling agent (transporter) etc. even though the area in question come under the Critically Polluted Area (CPA) as per CEPI score,*
- 2.19 *It has been found that the two CAAQMS namely, Kakri OCP-VTC is approx. 1 Km towards north and Bina OCP is approx. 2 KM towards South-East. Data of nearest CAAQMS i.e., Kakri OCP-VTC depicted that the values of SPM and RSPM are found within the permissible limit during March 2022 to Dec 2022 (Quarter wise) report attached as Annexure H.*
- 2.20 *Photographs taken during the site inspection are attached as Annexure I.*

3.0 Conclusion:

Based on the above observation committee is of view that the dumping of coal in Krishnasila railway siding was started in way back in 2018 onwards, which was continuously increasing up to 2020-2021. It seems that the dumping of coal on above railway siding was made without any measures like, control measure of coal fire, surface runoff, leaching, height of bunds etc. No measures have been observed to control the spontaneous combustion of coal either by NCL, Railways, Claimants, coal handling agent (transporter) etc. The area come under the Critically Polluted Area (CPA) as per CEPI score, which is also evident by the values of PM₁₀ reported by UPPCB which was 460 µg/m³ in month of December, of area in question, where possibility of air parcel movement are restricted within the ground due to inversion situation and subsequently more lethal to human. As reported above that the surface water pond/channel are also located very close to area in question, there is possibility to deteriorate its quality specially during rainy season, which finally merged to Rihand reservoir.

4.0 Committee Recommendation

- 4.1 *State government thorough Pollution Control Board and Mining Department may review the complete process of coal dumping/handling issues on railway siding and to formulate guideline and also to fix the responsibility of concern under various prevailing acts like Water, Air act etc..*
 - 4.2 *Environmental compensation (EC) may also be imposed to claimants,*
 - 4.3 *The amount collected under Environmental compensation by claimant's can only be utilize for betterment of the local area including construction of cemented road with both side tree plantation, setting of fixed water sprinkler on various locations etc. to control/minimize further dust emission,*
 - 4.4 *As the area in question also comes under the Critically Polluted Area (CPA) as per CEPI score therefore necessary steps may be taken by UPPCB to avoid such incident in future,*
 - 4.5 *Local administration can ensure the cemented road can only be used for the transportation of coal from mine to railway siding, to avoid further road dust emission,*
 - 4.6 *State mining department can equipped with drone facility and necessary monitoring of the entire area can be done monthly basis to avoid such repetition in coming future.*
 - 4.7 *Conservation of the surface water body available near the coal stockpile need to be protected by constructing the siltation pond in between coal stockpile and water body etc.”*
6. State PCB has also filed letter dated 25.03.2023 in continuation of the report to the effect that **at present 1,29,236.85 MT coal is still**

present at the site, Google satellite image shows that the dumping of coal in Krishnasila railway siding was not observed during 2017, two small patches was noticed in 2018 onwards, which was continuously increasing up to 2020. Google satellite image of 2021 is not available. Google satellite Image shows that the significant coal stockpile was observed in year, Dec, 2022 in area in question. The area in question comes under jurisdiction of M/s Northern Coalfield Ltd, Bina Project, Bina, Sonbhadra, **Due to spontaneous combustion of coal, ambient air quality of the area is being affected. UPPCB conducted ambient air quality monitoring in area in question. Analysis report depicted that the values of PM10 is 460 µg/m³, which is approx. 5 time more than the permissible limit of 100 µg/m³. It reveals that M/s NCL, Bina Project, Bina, Sonbhadra is not complying with the provisions of Air (Prevention and Control of Pollution) Act 1981 as amended.** Therefore, U.P. Pollution Control Board has imposed Environmental Compensation of Rs. 4,43,40000/- for defaulting period against M/s Northern Coalfield Ltd, Bina Project, Bina, Sonbhadra vide letter dated 25.03.2023.

7. We have considered the matter and heard Member Secretary, State PCB, present in person.

8. It is clear from the report that there is violation of environmental norms in dumping coal to the detriment of environment and public health. Accountability of such violations needs to be fixed and further degradation of environment needs to be prevented. Land in question where coal has been dumped belongs to Northern Coalfields Limited (NCL), Sonbhadra who has failed to take necessary measures to prevent air pollution. State PCB has determined compensation of Rs. 4.43 crores

against NCL applying at the rate of Rs. 30,000 per day which does not match the scientific norms for determining compensation laid down by Hon'ble Supreme Court and is inadequate.

9. Polluter Pays Principle is applicable in such cases which apart from being laid down inter alia in Vellore Citizens (1996) 5 SCC 647 is statutorily provided under section 20 of the NGT Act. Well known principles for determining compensation are extent of loss computed in monetary terms (though not always possible), cost of restoration and deterrent element having regard to financial capacity of the violators. Reference is made to MC Mehta (1987) 1 SCC 395, Sterlite (2013) 4 SCC 547, Goel Ganga (2018) 18 SCC 257. In the present case, the PCB has levied compensation on inhouse formula which does not comply with parameters laid down by the Hon'ble Supreme Court but proceeds on presumed loss per day, irrespective of nature and extent of violation, cost of restoration and financial capacity of the violators. Learned Counsel for the Applicant submits that compensation needs to be revised.

10. In the present case, the coal which was found stored was to the extent of about 3 lakhs tonnes out of which about 50% has since been lifted and remaining is still lying. Taking its value at the rate of Rs. 10,000 per tonnes, the value of stored material comes to Rs. 30,000 crores. The damage by such unscientific storing of coal has resulted in not only air pollution but also contamination of ground water and surface water. There is obvious adverse impact on public health also. Considering the cost of restoration and turnover of the transactions involved, we determine, on conservative estimated cost, the compensation to be Rs. 10 crores which may be deposited by the NCL with State PCB for restoration of environment by preparing an action plan which may include proper stocking/handling of the coal, taking measures to control dust emission

and time bound remediation. Such plan be prepared within two months with the involvement of joint Committee of CPCB, State PCB, District Magistrate, Sonbhadra and Forest Department. State PCB will be nodal agency for coordination and compliance. The Committee may also ensure that the action points relating to controlling pollution of stocking and handling of coal be done to bring down the air index in context of overall CEPI. If more amount is required for restoration, NCL will be liable to pay the same.

11. Further action taken report may be filed within two months by the State PCB 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. The Committee may also associate project proponent and other stakeholders. We also direct State PCB to put PP to notice of these proceedings for their response, if any, before this Tribunal.

List for further consideration on 07.08.2023.

A copy of this order be forwarded to CPCB, State PCB, District Magistrate, Sonbhadra and Forest Department by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

May 02, 2023
Original Application No. 817/2022
SN

Item No.04

ANNEXURE R-3**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI****Review Application No. 26/2023**

IN

Original Application No. 817/2022
(I.A. No. 623/2023 and I.A. No. 624/2023)Suo Motu Action in Illegal Dumping of Coal at Railway
Siding at Krishnashila, Sonbhadra

Applicant(s)

Verses

Union of India &Ors.

Respondent(s)

(Northern Coalfields Ltd. Bina Project: Review Applicant)

Date of hearing: 11.08.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : Mr. Ashutosh Thakur, Advocate

ORDER

1. This Review Application 26 of 2023 has been filed on behalf of Northern Coalfields Ltd. (Bina Project) for review of our order dated 02.05.2023 whereby Review Applicant has been directed to deposit environment compensation of Rs. 10 crores for restoration of environment.

2. It is said that the land belonged to railway and coal which was dumped on the railway site belonged to purchasers of coal who have purchased it from Review Applicant and hence Review Applicant is not liable to pay any compensation.

3. However, record which has been filed alongwith this review

application shows different facts. The review applicant has placed on record annexure A-6 on page 44.

4. A copy of letter dated 11.08.2021, sent by Northern Coalfield Ltd. to Senior Division Operating Manager, East Central Railway, Dhanbad seeking consent for construction of SILO and laying of railway track for connectivity in vacant land of Krishnashila yard for evacuation of coal from Bina project by 9.50 MT CHP of Bina-Kakri amalgamation project. The said document clearly shows that subjected land was notified and acquired by Ministry of Energy (Department of Coal, Government of India) for CCL (now NCL) under CBA(A&D) Act, 1957. The letter further says that railway had requested for a part of this land for laying of track/railway infrastructure for KBJ branch rail line in the past, but the land is yet to be transferred to EC Railway though the railway has developed infrastructure on the above land.

5. The above document shows that land in question belongs to Review Applicant and coal dumped thereat was also on account of the activities of Review Applicant which has caused pollution on account thereof. The environment compensation was directed to be paid taking a very considerate view in as much as for past violation if entirety of the facts would have been considered, a very huge quantum of environment compensation ought to have been imposed but Tribunal took a conservative estimated cost of compensation and has required only 10 crores to be deposited by review applicant.

6. We do not find that any case for review is made out. Review application is rejected.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

August 11, 2023
Review Application No. 26/202
In Original Application No. 817/2022
N

ITEM NO.26

COURT NO.3

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

24

CIVIL APPEAL Diary No. 36306/2023

(Arising out of impugned final judgment and order dated 02-05-2023 in OA No. 817/2022 and 11-08-2023 in RA No. 26/2023 passed by the National Green Tribunal)

NORTHERN COALFIELDS LTD BINA PROJECT

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.181760/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.181755/2023-EX-PARTE STAY and IA No.181762/2023-EXEMPTION FROM FILING O.T. and IA No.181757/2023-CONDONATION OF DELAY IN FILING APPEAL)

Date : 15-09-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s)

Mr. Tushar Mehta, SG
Mr. Ashutosh Thakur, AOR
Mr. Chinmay Kumar, Adv.
Mr. Chandra Pratap, Adv.

For Respondent(s)

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

Delay condoned.

Issue notice, returnable in the month of February 2024.

Notice will be served by all modes, including *dasti*.

The appellant - Northern Coalfields Ltd. (Bina Project) and

Respondent no. 16 - East Central Railway will furnish/give details, by way of an affidavit, of the alleged purchaser(s) of coal who had dumped the coal in the area/land in question.

The appellant - Northern Coalfields Ltd. (Bina Project) will also file the latest aerial/satellite photographs of the area/land in question along with the aforesaid affidavit.

The pollution level monitoring being done/undertaken by the appellant - Northern Coalfields Ltd. (Bina Project) and the authorities, including the concerned Pollution Control Board, will be placed on record along with the affidavit.

Respondent no. 16 - East Central Railway, in the aforesaid affidavit, will also indicate the steps taken by them to ensure that coal is not stacked around the railway track(s) and that ambient air quality is maintained.

The appellant - Northern Coalfields Ltd. (Bina Project) will deposit Rs.2 crores with the authorities. Subject to the payment and compliance of the aforesaid directions and those in the impugned judgment, there will be stay of operation of the impugned judgment(s) to the extent it directs the appellant - Northern Coalfields Ltd. (Bina Project) to deposit/make payment of Rs.10 crores.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH
FARIDKOT HOUSE, NEW DELHI
CAUSE LIST OF COURT NO. 1

Date : 25th September, 2023
Time : 10.30 A.M.

HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA
CHAIRPERSON

HON'BLE MR. JUSTICE ARUN KUMAR TYAGI
JUDICIAL MEMBER

HON'BLE DR. A. SENTHIL VEL
EXPERT MEMBER

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

S.NO.	CASE NO.	PARTIES	COUNSEL FOR PARTIES
FOR ADMISSION			
1.	Original Application No. 569/2023 (I.A. No. 719/2023)	Alok Kumar Vs. Union of India & Ors.	Mr. Prashant Kanha & Mr. Anand Mishra, Adv. for Applicant
2.	Original Application No. 552/2023	Draupadi Bai Vs. State of Chhattisgarh	Applicant in Person
FOR DIRECTION			
3.	M.A. No. 88/2023 IN Original Application No. 116/2023	Gopal Sharma Vs State of H.P	For consideration of Report in disposed of matter

For orders, cause list and other information please visit our website: www.greentribunal.gov.in

Date : 25th September, 2023
Time : After the above Bench

HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA
CHAIRPERSON

HON'BLE MR. JUSTICE SUDHIR AGARWAL
JUDICIAL MEMBER

HON'BLE MR. JUSTICE ARUN KUMAR TYAGI
JUDICIAL MEMBER

HON'BLE DR. A. SENTHIL VEL
EXPERT MEMBER

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

S.NO.	CASE NO.	PARTIES	COUNSEL FOR PARTIES
FOR ADMISSION			
4.	Appeal No. 28/2023 (I.A. No. 735/2023 & I.A. No. 736/2023)	Anjum Vs. Uttar Pradesh Pollution Control Board	Mr. Saurabh Rajpal, Adv. for Applicant
5.	Original Application No. 570/2023	Federation of Sarita Vihar Resident Welfare Association Vs. Govt. of NCT of Delhi & Ors.	Mr. Pawan Kumar Choudhary, Adv. for Applicant

FOR DIRECTION			
6.	Original Application No. 563/2023	In re : News item titled “ MLA apprised of losses due to illegal mining in Doon Assembly segment ” appearing in Dainik Tribune dated 08.09.2023 .	
7.	Original Application No. 564/2023	In re : News item titled “ Unbridled illegal mining next to officers: Video: Overloaded dumpers in front of Police ” appearing in Dainik Bhaskar dated 08.09.2023 .	
8.	Original Application No. 817/2022	Suo Motu Action in Illegal Dumping of Coal at Railway Siding at Krishnashila, Sonbhadra Vs. Union of India & Ors.	Mr. Kausar Raza Faridi, Adv. Mr. Pradeep Misra & Mr. Daleep Dhyani, Adv. For Consideration of Report
9.	Original Application No. 496/2023 (I.A. No. 655/2023, I.A. No. 720/2023 & I.A. No. 742/2023)	Satyendra Rawat Vs. M/s Medical Pollution Control Committee & Ors.	Mr. Anshul Gupta, Adv. for Applicant Mr. Pradeep Misra & Mr. Daleep Dhyani, Adv. Mr. Biraja Mahapatra, Adv. For Consideration of Report
10.	Original Application No. 200/2014 (C.W.P. No. 3727/1985) (I.A. No. 340/2022)	M.C. Mehta Vs. Union of India & Ors.	Ms. Katyayni, Adv. Mr. Gigi C. George, Adv. Mr. Rahul Verma, AAG, Mr. Mukesh Verma, Adv. Mr. Pradeep Misra & Mr. Daleep Dhyani, Adv. Ms. Priyanka Swami, Adv. Mr. Raj Kumar, Adv. For Consideration of Report (In respect of State of West Bengal)

For orders, cause list and other information please visit our website: www.greentribunal.gov.in

For detailed Standard Operating Protocol for Virtual Video Conferencing in NGT please visit our link: https://greentribunal.gov.in/sites/default/files/all_documents/SOPngt.pdf & https://greentribunal.gov.in/sites/default/files/office_orders/SOP%20for%20Physical%20Hearing.pdf

The lawyers/litigants desirous of participating personally in VC hearings are required to send request at judicial-ngt@gov.in in advance, giving their names, case title, case number, date of hearing, email IDs, mobile numbers, etc.

INSTRUCTIONS FOR SMOOTH VC HEARINGS

While joining, the VC room, enter details only in the following format :

Item No. (XX) – (NAME) – (PARTY)

e.g.

Item 2 – abc – Petitioner

Item 4 – bcd – Adv. for Resp. 2 & 4

Item 7 – abc – Adv for SPCB

Item 1 – bcd – DM for State of xyz

After joining, ensure that –

VIDEO is always on OFF mode AND MIC is always on MUTE mode

Video should be switched ON only by the parties to a case, when the concerned Item No. is called for hearing.

Mic should be UNMUTED only by the party speaking.

Switching On the Video or UNMUTING the Mic otherwise will disturb the hearing of ongoing matters.

Note 1

A prayer for adjournment will be considered as per [Office Order No. NGT/PB/RG/2018/134](https://greentribunal.gov.in/sites/default/files/all_documents/Office%20Order%20No.%20NGT/PB/RG/2018/134.pdf) dated 20.02.2020.

Note 2

As indicated in the [Office Order No. NGT/PB/RG/2018/135](https://greentribunal.gov.in/sites/default/files/all_documents/Office%20Order%20No.%20NGT/PB/RG/2018/135.pdf) dated 20.02.2020, reports received in the matters are uploaded on the Website of NGT for access by all concerned. Non-availability of such report with party shall not be accepted as denial of opportunity or a ground for adjournment.

प्रेषक,

ज्येष्ठ खान अधिकारी,
सोनभद्र।

सेवा में,

क्षेत्रीय अधिकारी,
उ०प्र० प्रदूषण नियंत्रण बोर्ड,
सोनभद्र।

पत्रांक- 4324/खनिज/2022-23

दिनांक 15/03/2023

विषय- कृष्णशिला रेलवे साईडिंग, सोनभद्र पर भण्डारित कोयले की बिन्दुवार सूचना उपलब्ध कराये जाने के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषयक अपने पत्र संख्या-G-000201/कृष्णशिला रेलवे साईडिंग/2023 दिनांक 13.03.2023 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा कृष्णशिला रेलवे साईडिंग, सोनभद्र पर भण्डारित कोयले की बिन्दुवार सूचना निर्धारित प्रारूप पर उपलब्ध कराये जाने का अनुरोध किया गया है। पत्र के क्रम में निर्धारित प्रारूप पर सूचना निम्नवत् है:-

Sl. No.	Name of Firms to which coal was released	Date when coal was released	Quantity of Coal released (in m. ton)
01	M B POWER (MADHYA PRADESH) LIMITED, 239, OKHLA INDUSTRIAL ESTATE, PHASE.III, NEW DELHI	01.11.2022	99751.00
02	TALWANDI SABO POWER LTD., BANAWALA MANSI. TALWANDI SABO ROAD, MANSI, PUNJAB	25.11.2022	7600.85
03	JAI PRAKASH POWER VENTURES LIMITED, NIGREI TEHSIL SARAI, SINGRAULI M.P.	25.11.2023	11304.41
04	ANAND TRIPLEX BOARD LTD., E.181, FIRST FLOOR, GREATER KAILASH PART II, NEW DELHI	25.11.2022	3894.00
05	AARTI STEELS LIMITED, PLOT NO. 18/1B, SECTOR.10, CDA, CUTTACK, ODISHA	26.11.2022	7919.13
06	RASHMI METALIKS LIMITED, PREMLATA BUILDING, 39 SHAKESPEARE SARANI, 6th FLOOR, KOLKATA	26.11.2022	7900.00
07	VERTIGO IMPEX PRIVATE LIMITED, S.7&8, 1st FLOOR, SHIVAJI PARK, PUNJABI BAGH, NEW DELHI	05.12.2022	3919.89
08	KAI INTERNATIONAL PVT. LTD., CCC.23, CIVIL TOWNSHIP, ROURKELA, ODISHA	07.12.2022	3495.556
09	SHYAM METALICS AND ENERGY LIMITED, PANDLOI, LAPANGA, TEH.RENGALI, SAMBALPUR, ODISHA	07.12.2022	5671.55
10	STAR PAPER MILS LIMITED, SAHARANPUR, U.P.	-	1221.526

[Handwritten Signature]

11	MAHAVIR COAL RESOURCES PVT.LTD. , JAIN COMPLEX, AMAR DHARAM KANTA, MAIHAR ROAD, PURENI, KATNI, M.P.	25.01.2023	7997.17
12	BIRLA CORPORATION, CHANDERIA, RAJASTHAN	10.02.2023	3649.32
13	RG TRADELINK PVT. LTD. , KAPOOR KATRA, G.T. ROAD, CHANDHASI, MUGHALSARAI, CHANDAULI	21.02.2023	4000.00

उक्त के क्रम में कृष्णशिला रेलवे साईडिंग, सोनभद्र पर भण्डारित कोयले की बिन्दुवार सूचना आवश्यक कार्यवाही हेतु प्रेषित है।

भवदीय

15/3/23
(आशीष कुमार)
ज्येष्ठ खान अधिकारी,
सोनभद्र।

**ANNEXURE R-7
30**



13.10.2023

261

N ↓

31





262

सीएमपीडीआई
cmpdi

A Mini Ratna Company

पूर्ण प्रतिबंधित 32
सिर्फ कंपनी कार्य हेतु
प्रतिबंधित

इस प्रतिवेदन में समाहित सूचनाओं को प्रत्यक्ष या परोक्ष रूप से प्रेस या अन्य किसी व्यक्ति जो कंपनी / सी.आई.एल. / सरकारी नहीं है, को किसी भी हालत में नहीं दिया जाए।

ANNEXURE R-8

बीना खुली खान परियोजना
हेतु
पर्यावरण प्रबोधन प्रतिवेदन

नार्दर्न कोलफील्ड्स लिमिटेड

नवम्बर, 2023

क्षेत्रीय संस्थान - ६

पो.आ.- जयंत, सिंगरौली (म.प्र.)

AMBIENT AIR QUALITY MONITORING**33****Methodology of sampling and analysis**

Parameters chosen for assessment of ambient air quality were Suspended Particulate Matter, Respirable Particulate Matter (PM 10), Fine Particulate Matter (PM 2.5), Sulphur Di-oxide (SO₂) and Nitrogen Oxides (NO_x). Respirable Dust Samplers (RDS) & Fine particulate Sampler (FPS) were used for sampling “SPM, PM 10, SO₂ & NO_x” and “PM 2.5” respectively at 24 hours.

1. Station Name : Krishnashila Railway Siding**Category: Industrial.**

Date of Sampling	SPM	RPM	PM 2.5	SO ₂	NO _x
27/28.10.2023	196	127	26	46	55
Permissible Limit	600	300	-	120	120

2. Station Name: Main Substation, BA-1**Category: Industrial.**

Date of Sampling	SPM	RPM	PM 2.5	SO ₂	NO _x
13.10.2023	273	191	25	33	48
31.10.2023	415	277	70	38	53
Permissible Limit	600	300	-	120	120

3. Station Name: Bina OB Substation, BA-2**Category: Industrial.**

Date of Sampling	SPM	RPM	PM 2.5	SO ₂	NO _x
12.10.2023	265	178	43	32	43
31.10.2023	352	237	47	35	49
Permissible Limit*	600	300	-	120	120

**Permissible limits as per MOEF&CC Gazette Notification No. GSR 742(E) dt. 25.12.2000 Standards for Coal Mines and Noise Pollution (Regulation and Control) Rules, 2000.*

Note:

- All values are expressed in microgram per cubic meter.
- 24 hours duration

WATER QUALITY MONITORING

Methodology of sampling and analysis

Parameters like pH, Temperature and Dissolved Oxygen were analysed on-site while collecting the samples. Thereafter the samples were preserved and analysed at the laboratory.

Sl. No.	Parameters	Surface Water near Krishnashila Railway Siding	IS : 2296 Inland Surface water (1982) Class 'c'
1	Colour, Hazen Unit.	11	300 (Max)
2	TSS	24.3	-
3	Dissolved Oxygen	6.42	4 (Min)
4	pH	7.58	6.5 - 8.5
5	Iron	BDL(<0.1)	5 (Max)
6	Chlorides	24	600 (Max)
7	BOD(3 days 27°C)	4	3 (Max)
8	Total dissolved Solids	323	1500 (Max)
9	Copper	0.05	1.5 (Max)
10	Sulphates	34.71	400 (Max)
11	Nitrate	1.9	50 (Max)
12	Fluorides	0.72	1.5 (Max)
13	Selenium	BDL(<0.002)	0.05 (Max)
14	Arsenic	BDL(<0.002)	0.2 (Max)
15	Lead	BDL(<0.005)	0.1 (Max)
16	Zinc	0.15	15 (Max)
17	Hexavalent Chromium	BDL(<0.01)	0.05 (Max)
18	Phenolics Compounds	BDL(<.001)	0.05 (Max)
19	Mercury	BDL(<.0002)	0.001 (Max)

All values are expressed in mg/L unless specified

NOISE LEVEL QUALITY MONITORING

Methodology of sampling and analysis

Noise level measurements in form of 'LEQ' were taken using Integrated Data Logging Sound Level Meter (CR: 812C) during day and night time. Noise levels were measured for about one hour time in day and night time. Noise levels were measured in Decibels, 'A' weighted average, i.e. dB (A).

Sl. No.	Station Name	Category of area	Measurement details				<i>*Permissible Limit of Noise level in dB(A)</i>
			Date	Time +Day/ Night	Duration (In Hrs.)	Noise level dB(A) LEQ	
1	Krishnashila Railway Siding	Industrial area	28.10.2023	Day	10.00 to 11.00	64.7	75
			28.10.2023	Night	20.00 to 21.00	62.5	70

+ Day Time: 6.00 AM to 10.00 PM, +Night Time : 10.00 PM to 6.00 AM.

**Permissible limits of Noise Level as per MOEF&CC Gazette Notification No. GSR 742(E) dt. 25.12.2000 Standards for Coal Mines and Noise Pollution (Regulation and Control) Rules, 2000.*

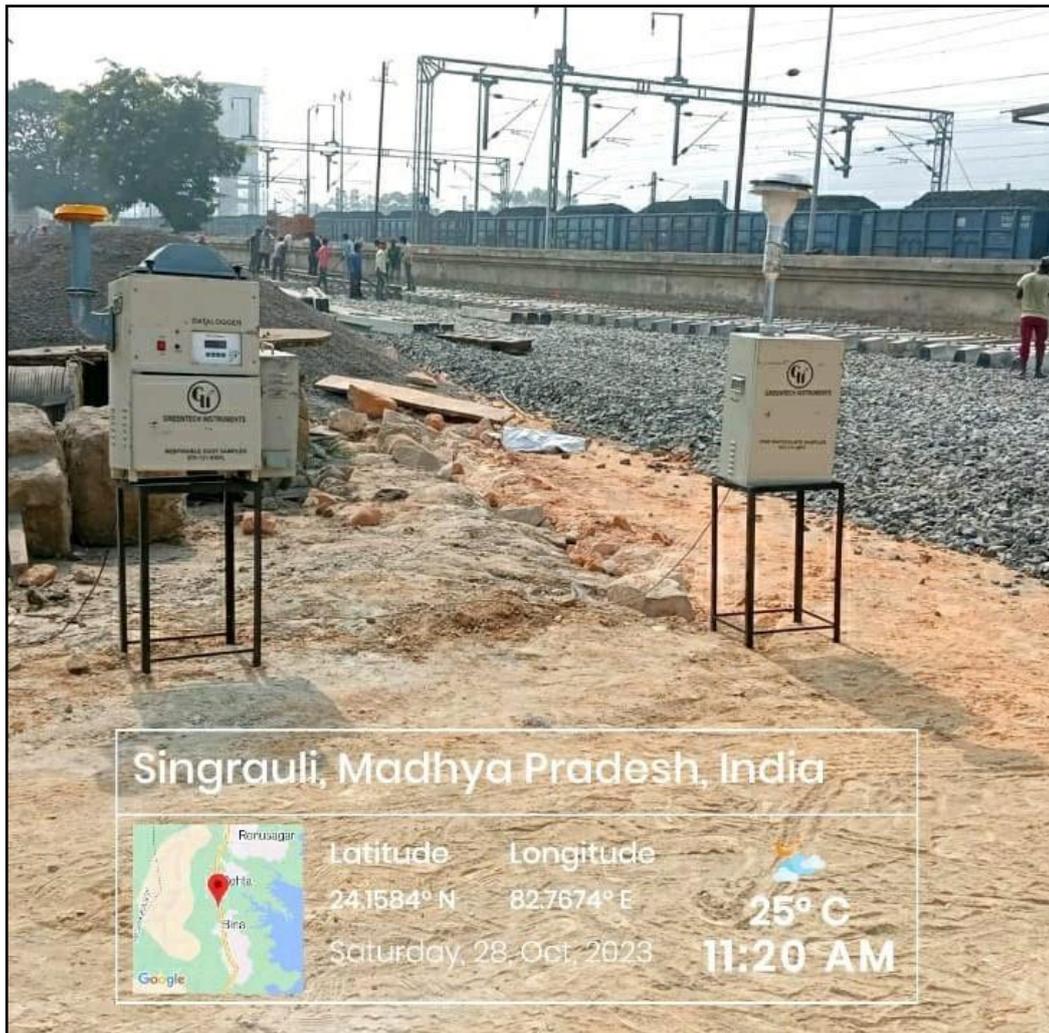
Photographs of Environment Monitoring



Water Sampling at the Surface Water body near Krishnashila Railway Siding



Noise Sampling near Krishnashila Railway Siding



Air Sampling at the Krishnashila Railway Siding

नॉर्दर्न कोलफील्ड्स लिमिटेड

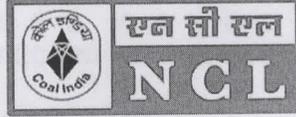
(मिनीरत्न कंपनी)

(कोल इंडिया लिमिटेड की अनुषंगी कंपनी)



Northern Coalfields
Limited

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



ANNEXURE R-9

38

महाप्रबंधक कार्यालय / Office of the General Manager

CIN- U10102MP1985GOI003160

An ISO: 9001, ISO: 14001 & ISO: 45001 Certified Company

पोस्ट- बीना परियोजना, जिला- सोनभद्र (उ.प्र.)पिन- 231220 / Post- Bina Project, Distt- Sonebhadra (U.P.)- 231220

Phone :05446-276279 (O), 267280 (R) Fax :05446-276274, 07805-25610 e-mail :cgmbin.ncl@coalindia.in Website :www.nclcil.in

Bina/Env/Uppcb/2023/ 167

Dated:-23.10.2023

To,

Chief Environmental Officer (Circle-2)

Uttar Pradesh Pollution Control Board

T.C.-12 V, Vibhuti Khand, Gomti Nagar, Lucknow 226010

Subject: Regarding deposition of Rs. 2 crore in compliance of the Hon'ble Supreme Court order dated 15.09.2023.

Ref.:-

1. Copy of Honorable Supreme Court order dated 15.09.2023.
2. Letter No. H99792 / सी-2/ विधि - NGT No-320/ 23 dated 23/08/2023

Dear Sir,

With respect to above subject matter, Hon'ble NGT had directed M/s Northern Coal fields Limited to deposit an Environmental Compensation of Rs.10 Crores vide its order dated 02.05.2023. In this regard a letter was received from your office vide letter no. H99792/C-2/Vidhi-NGT No-320/23 dated 23.08.2023.

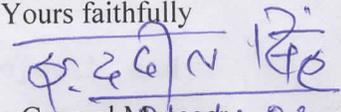
In response to this, M/s NCL Bina Project had filed a Review petition vide review application No. 26, 2023, dated 26.06.2023. The review petition was rejected by Honorable NGT in its order dated 11.08.2023.

After the review application was rejected, a Civil Appeal (Diary No 36306/2023) was filed before Honorable Supreme Court of India challenging the NGT order dated 02.05.2023 and 11.08.2023 passed in O.A. 817 of 2022 & Review Application No. 26 of 2023 respectively. The Honorable Supreme Court of India in its order dated 15.09.2023 has reduced the compensation amount from Rs. 10 Crores to Rs. 2 Crores (copy attached).

In compliance of the Hon'ble Supreme Court order dated 15.09.2023, the payment of Rs. 2 Crores has been made on 17.10.2023 in the account details as provided in the above referred letter. **The transaction UTR for the same is UTIBR72023101700031786.**

This is for your kind information and further needful at your end.

Yours faithfully


Area General Manager
Bina Area

Copy to:

1. DM, Sonebhadra
2. RO, Uppcb, Sonebhadra 231216
3. Genral Manager (Env/Forest), NCL Singrauli

ITEM NO.26

COURT NO.3

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. 36306/2023

(Arising out of impugned final judgment and order dated 02-05-2023 in OA No. 817/2022 and 11-08-2023 in RA No. 26/2023 passed by the National Green Tribunal)

NORTHERN COALFIELDS LTD BINA PROJECT

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.181760/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.181755/2023-EX-PARTE STAY and IA No.181762/2023-EXEMPTION FROM FILING O.T. and IA No.181757/2023-CONDONATION OF DELAY IN FILING APPEAL)

Date : 15-09-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s)

Mr. Tushar Mehta, SG
Mr. Ashutosh Thakur, AOR
Mr. Chinmay Kumar, Adv.
Mr. Chandra Pratap, Adv.

For Respondent(s)

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

Delay condoned.

Issue notice, returnable in the month of February 2024.

Notice will be served by all modes, including *dasti*.

Validity unknown

Digitally signed by
Deepak Gargan
Date: 2023.09.16
19:28:41 +05:30
Reason:

The appellant - Northern Coalfields Ltd. (Bina Project) and respondent no. 16 - East Central Railway will furnish/give details, by way of an affidavit, of the alleged purchaser(s) of coal who had dumped the coal in the area/land in question.

CA Diary No. 36306/2023

The appellant - Northern Coalfields Ltd. (Bina Project) will also file the latest aerial/satellite photographs of the area/land in question along with the aforesaid affidavit.

The pollution level monitoring being done/undertaken by the appellant - Northern Coalfields Ltd. (Bina Project) and the authorities, including the concerned Pollution Control Board, will be placed on record along with the affidavit.

Respondent no. 16 - East Central Railway, in the aforesaid affidavit, will also indicate the steps taken by them to ensure that coal is not stacked around the railway track(s) and that ambient air quality is maintained.

The appellant - Northern Coalfields Ltd. (Bina Project) will deposit Rs.2 crores with the authorities. Subject to the payment and compliance of the aforesaid directions and those in the impugned judgment, there will be stay of operation of the impugned judgment(s) to the extent it directs the appellant - Northern Coalfields Ltd. (Bina Project) to deposit/make payment of Rs.10 crores.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR