

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA
ORIGINAL APPLICATION NO. 37 OF 2020 (EZ)**

IN THE MATTER OF:

SANJAY CHAUHAN

... APPLICANT

VERSUS

CENTRAL COALFIELDS LTD. & ORS.

... RESPONDENTS

INDEX

S. No.	PARTICULARS	Page No.
1.	REJOINDER FILED BY THE APPLICANT TO THE AFFIDAVIT FILED BY JSPCB DATED 04.05.2022	237-244

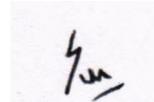
THROUGH



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DATE: - 07.07.2022

EASTERN ZONE BENCH AT KOLKATA

ORIGINAL APPLICATION NO. 37 OF 2020 (EZ)

IN THE MATTER OF:

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**REJOINDER FILED BY THE APPLICANT TO THE AFFIDAVIT FILED
BY JSPCB DATED 04.05.2022**

MOST RESPECTFULL SHOWETH:

1. That the applicant has filed the abovementioned application under Section 14 of the National Green Tribunal Act, 2010 raising the substantial questions of environment relating to the non – compliance of the conditions of the environmental clearance granted to the Purnadih Opencast Coal Mine located in the North Karanpura region of Jharkhand.
2. That vide it's Order dated 22.06.2020 this Hon'ble Tribunal had appointed a Joint Committee comprising of (i) Dr. Sharatchandra Lele (ii) Representative of Regional Office of MoEF&CC (iii) Representative of CPCB (iv) Representative of SPCB. This Joint Committee has submitted it's Report to the Hon'ble Tribunal to which the response of the Applicant is as follows:-

(i) The Joint Committee observed that MoEF&CC has recently site inspected/monitored the project on 14.02.2020 and submitted the inspection/monitoring report to MoEF&CC, New Delhi on 30.04.2020. Vide it's

letter dated 20.07.2020 the MoEF&CC directed the Project Proponent to ensure complete compliance as per the monitoring report of RO Ranchi and to submit reasons for Non-compliance and the deviation with respect of various parameters listed in Environment Management Plan before a Show-Cause is issued which is annexed as Annexure 1 **(Page 97)**

- (ii) The Joint Committee observed that JSPCB has raised a query on 10.12.2018 seeking clarification regarding forest diversion in Purandih OCP.
- (iii) **Non-construction of Coal Handling Plant-**That one of the major issue taken up by the Applicant is that the construction of a CHP was part of the original EC conditions of 2006 and had not been complied with till date. The Joint Committee observed that "CHP and railway line/siding in the land use plan have not been constructed. Since 2009 till date, the coal is being transported on trucks to KDH railway siding located approx.. 5 km from the mine. **(Page 100)**
- (iv) **Issue of Green belt development-** That another major issue taken up by the Applicant was that the development of green belt in and around the mine site is completely inadequate, in violation of Specific Condition (vi). It is stated that according to the Joint Committee's Report "Overall, plantation and green belt development was not found to be satisfactory."**(Page 103)**
- (v) In spite of attention being drawn in the monitoring report by MoEF&CC's Ranchi Regional Office, there continues to be non-compliance/partial compliance with

the condition relating to control of soil erosion and prevention of silt and coal dust run off from the OB and Coal dumps.

- (vi) **On the issue of cumulative impact assessment and carrying capacity study for the north Karanpura area-**That the Joint Committee in point 5 of the Report states to the effect that North Karanpura coalfields has a large number of coal deposits. Therefore the Joint Committee envisages a need for a Cumulative Impact Assessment of these developments and urges that a process for regional-scale environment carrying capacity estimation be carried out.

However, the Representative of the JSPCB disagrees with this suggestion of the Joint Committee and recommends that it would be better instead to ensure 100% compliance of existing EC conditions alongwith compliance of order of Hon'ble NGT in OA 284/2019 dated 19.09.2019 which states that all mines in the nearby area using road for coal transportation should maintain a free board of minimum 5 cm in all loaded vehicle along with properly covering with impervious material to escape of fines.

Response to Affidavit dated 04.05.2022 of JSPCB

3. It is stated that a perusal of the Affidavit dated 04.05.2022 filed by JSPCB shows that the JSPCB has failed to address the above-mentioned issues which the Joint Committee Report had highlighted earlier. In response to the Affidavit dated 04.05.2022 it is stated that a perusal of the same shows that on 02.05.22 Direction under Section 33 (A) of the Water (Prevention

and Control of Pollution) Act, 1974 and 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981 has been issued. The JSPCB has also recommended that action be taken for not constructing toe wall garland drain and settling pit around the external dump.

4. Secondly, the Affidavit of JSPCB directs that "the name of the official(s) responsible for non-installation of Ambient Air Quality Monitoring Station be given. It is stated that when it is known to JSPCB that there is a non-compliance of EC conditions by CCL then it ought to take action against CCL by cancelling its Consent to Establish and Operate and not ask for name of individual officers of CCL. The violation by any officer of CCL is an internal matter of CCL. No such action has been taken by the JSPCB till date against CCL.

MoEF&CC and SPCB has failed to take action against CCL even when non-compliance of EC conditions is known to MoEF&CC

5. It is stated that both the MoEF&CC and JSPCB have remained mute spectators when there have been many EC conditions non-compliances by CCL. The MoEF&CC had merely issued a letter dated 20.07.2020 directing the Project Proponent to ensure complete compliance as per the monitoring report of RO Ranchi and to submit reasons for Non-compliance and the deviation with respect of various parameters listed in Environment Management Plan before a Show-Cause is issued
6. That the Project has been allowed to operate even when MoEF&CC has observed in its letter dated 20.07.2020 directing the Project Proponent to ensure complete compliance as per the monitoring report of RO Ranchi.

7. It looks that JSPCB has also failed to undertake any site inspection to check compliance status and to consider any study on assessment of environment. They were just concerned to issue only CTO.
8. **On the issue of Carrying out of Cumulative Impact Assessment and Carrying capacity study:** It is stated that the dissenting note of Regional Officer, JSPCB in the Joint Committee Report clearly shows poor understanding of the official and very casual approach towards environmental issues. The NGT Order in OA 284/2019 dated 19.09.2019 was related to only one issue i.e. road transportation of coal but it cannot be understood to implement the same in a landscape where the mines are in cluster situation and almost more than 90% of them using road transport. It is stated that the above dissenting comment by representative of JSPCB as a dissenting note is wrong and incorrect. Therefore, just following the above mentioned NGT order will not serve as an effective alternative to carrying out a cumulative impact assessment for the north Karanpura area. Secondly, the representative of JSPCB has failed to consider that as per Rule 5 of Environmental (Protection) Rules, 1986 the Central Government may take into consideration the following factors while prohibiting or restricting the location of industries and carrying on processes and operations in different areas:-

“(ii) The maximum allowable limits of concentration of various environmental pollutants (including noise) for an area.

(iii) The likely emission or discharge of environmental pollutants from an industry, process or operation to be prohibited or restricted.

(vi) Environmentally compatible landuse.

(ix) Proximity to human settlements

(vii) Net adverse environmental impact likely to be caused by an industry, process or operation proposed to be prohibited or restricted"

Thus, the comment of representative of JSPCB is against the Rules laid down by Environmental (Protection) Rules, 1986 is not justifiable.

It is therefore, prayed that:-

- (i) The prayers in the Original Application be accepted,
- (ii) Necessary orders may be passed in view of the observations of the Joint Committee in it's Report submitted on 14th September, 2020,
- (iii) Dissenting comment of the Regional Officer, JSPCB on the issue of Cumulative and Carrying Capacity be rejected
- (iv) Till the time all EC conditions are complied with, restrain CCL from undertaking any operations at the Purandih coal mines until all the conditions of the Environmental Clearance are completely fulfilled and no further expansion shall be allowed to increase production capacity.

) Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.


APPLICANT

THROUGH


RITWICK DUTTA


RAHUL CHOUDHARY

COUNSELS FOR THE APPLICANT

N-71, LOWER GROUND FLOOR, G.K.-I

NEW DELHI- 110048

VERIFICATION

Verified by Sanjay Chauhan, S/o Jagin Chauhan, aged about 42 years, R/o Mohan Nagar, Churi, Khalari, Dakra Colliery, Dakra, Jharkhand – 829210, do hereby verify that the contents of Paragraphs 1 to 8 are true to my personal knowledge and that I have not suppressed any material fact.


APPLICANT

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 37 OF 2021 (EZ)**

IN THE MATTER OF:-

SANJAY CHAUHAN

... APPLICANT

VERSUS

CENTRAL COALFIELDS LTD. & ORS.

... RESPONDENTS

AFFIDAVIT

I Sanjay Chauhan, S/o Jagin Chauhan, aged about 42 years, R/o Mohan Nagar, Churi, Khalari, Dakra Colliery, Dakra, Jharkhand – 829210, presently at New Delhi, do hereby solemnly affirm and state as under:-

1. That I am the Applicant in the above named Original Application and I am duly competent to swear this affidavit and am conversant with the facts and circumstances of the present case.
2. That the contents of the accompanying Rejoinder are true and correct and nothing material has been concealed therefrom.



DEPONENT

VERIFICATION

NOTARY PUBLIC APPOINTED BY GOVT. OF INDIA G. S. KHARBANDA		
Notary Reg. No. 735	- 5 JUL 2022	Notary En. No. 22578

Verified on this 5th day of July, 2022, that the contents of the above mentioned affidavit are true and correct and nothing material has been concealed there from.

ATTESTED


NOTARY PUBLIC



DEPONENT