

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

Original Application No. 580/2022

IN THE MATTER OF:

Mukesh Singh

...Applicant

Versus

State of U.P & Ors.

...Respondents

I N D E X

NDOH- 28.02.2023

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Place: New Delhi
Dated: 27.02.2023

THROUGH



**GIGI C. GOERGE
ADVOCATE
CHAMBER NO.457, LAWYER BLOCK-1
DELHI HIGH COURT, NEW DELHI
MOB-9810625315
EMAIL-gigicgeorge.adv42@yahoo.in**

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH,

NEW DELHI

O.A.NO.580/2022

MUKESH SINGH

----- APPLICANT

V/S.

STATE OF UTTAR PRADESH& ORS.

----- RESPONDENTS

AFFIDAVIT FILED ON BEHALF OF MINISTRY OF COAL, UNION OF INDIA

I, Hitlar Singh S/o Shri M.K. Singh, Aged about 49 years, presently working as Under Secretary in Ministry of Coal, Union of India, office at Shastri Bhawan, New Delhi, do hereby solemnly affirm and declare as under:-

1. I state that I am authorized in my official capacity to swear and depose to the present affidavit on behalf of answering Respondent and as such, I am fully conversant with the facts and the circumstances arising in O.A.No.580/22 based on the records of the case.
2. That the present O.A.No.580/22 has been filed alleging the dumping of overburden by Khadia Project of Northern Coalfields Ltd. at Nawatola Village, Khadia, U.P. in violation of Environmental norms which is causing severe Air and Water Pollution and posing health hazards to the local residents.

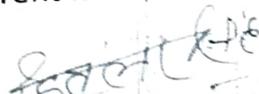
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3. That this Hon'ble Tribunal vide order dt.30.09.2022 constituted a Joint Committee which submitted a report and the said joint committee has not made any recommendations which is to be enforced by the Ministry of Coal, Union of India/Answering Respondent.
4. That the answering respondent has been arrayed merely as a proforma party with no relief whatsoever claimed/or sought against the answering respondent. Petitioner does not make any reference/ allegation against the answering respondent of any kind.
5. That the answering respondent has overall responsibility of determining policies and strategies in respect of exploration and development of coal and lignite reserves, sanctioning of important projects of high value and for deciding all related issues. Under the administrative control of the answering respondent, the above functions are exercised by the Public Sector Undertakings namely Coal India Ltd. and its subsidiaries including NCL.
6. The Coal India(Regulation of transfers and validation)Act, 2000 defines in Section 2 (a) the Coal India as a Government Company incorporated under the Companies Act, 1956 having its registered office at Kolkata and includes its predecessor Government Company namely the Coal Mines Authority Ltd. The Section 2 (b) of the said act defines the Subsidiary company means the following subsidiary companies of Coal India namely i) the Central Coal

Fields Ltd., Ranchi ii) the Bharat Coking Coal Ltd., Dhanbad iii) the Western Coal Fields Ltd., Nagpur iv) the Eastern Coal Fields Ltd., Sanctoria v) the Central Mine Planning and Design Institute Ltd, Ranchi vi) the South-Eastern Coal Fields Ltd., Bilaspur vii) Northern Coal Fields Ltd., Singrauli viii) the Mahanadi Coal Fields Ltd., Sambalpur.

7. That the alleged pollution caused by overburden it is stated that during opencast mining of coal, the strata lying above coal seam is known as overburden comprising of clay alluvial sand and sandstone with rich silica content. The overburden is removed to expose and extract coal from beneath. After completion of coal extraction, the overburden is used for backfilling. All these activities are undertaken by the Coal company concerned. It is submitted that all the Coal Companies are bound by the guidelines issued by MOEF&CC and operating after getting permission from concerned authorities.

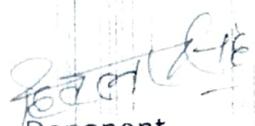
8. That in view of the above averments, it is humbly submitted that the answering respondent has no role to play in the current issue, and is only a proforma party.


Deponent

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Verification

Verified at New Delhi on this 27th day of Feb. 2023 that the contents of the above Affidavit are true and correct to my knowledge, and no part of it is false. Likewise, nothing material has been concealed therefrom.


Deponent