

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
O.A. NO. 552/2022

IN THE MATTER OF:

APPLICANT: RAVI TRIPATHI

//VERSUS//

RESPONDENT: STATE OF MADHYA PRADESH & ORS.

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SUBMITTED BY,

RESPONDENT NO. 2

THROUGH,

Place: BHOPAL

Date:14/03/2023

(SACHIN K. VERMA ADV)

COUNSEL FOR RESPONDENT No. 2

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
O.A. NO. 552/2022

IN THE MATTER OF:

APPLICANT: RAVI TRIPATHI

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RESPONDENT: STATE OF MADHYA PRADESH & ORS.

REPLY ON BEHALF OF RESPONDENT NO. 2

The answering respondent, named above, most respectfully submits as follows:-

1. The Applicant has raised the issue that none of the southern Coal Field mines is operating in compliance with environmental norms, green trees have been covered by overburden, mortality of wildlife has been increased, groundwater level has been depleted and ponds have been dried up in the villages surrounding the coal mines area resulting in water scarcity in the area, thereby causing damage to the environment and grave health risks to the residents of the locality. The Hon'ble Tribunal registered this complain as Original Application no. 552/2022.
2. The Hon'ble Tribunal was pleased to pass an order dated 06/09/2022 in the matter, wherein the following direction were passed which are quoted below:-

"Prima facie, the averments made in the application raise questions relating to environment arising out of the implementation of the enactments specified in Schedule I to the National Green Tribunal Act, 2010. In view of the averments made in the application, we consider it appropriate that a Joint Committee be constituted to verify the factual position. Accordingly,

we constitute a Joint Committee comprising of ⁽²⁾ representative of CPCB, Central Ground Water Authority, Regional Office, Bhopal, State PCB, State Wetland Authority, Divisional Forest Officer and Collector, Shahdol and direct the same to meet, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representatives of the concerned project proponents, verify the factual position and submit its report within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF. The State PCB will be the nodal agency for coordination and compliance.

In case the Joint Committee observes any violation of consent conditions/environmental norms, then it shall forward a copy of its report to:- (i) the concerned Project Proponents to enable them to comply with the recommendations in its report or file objections against its observations/ recommendations and file their response before this Tribunal as desired within one month from the date of receipt of a copy of the report of the Joint Committee; and (ii) the State PCB, State Wetland Authority, Divisional Forest Officer and Collector, Shahdol to enable them to take appropriate remedial action by giving notice to/hearing the project proponent and following due process of law in accordance with Statutory provisions mandating them to take remedial action for prevention, control and abatement of environmental pollution/degradation and protection and improvement of environment and submit their action taken reports within one month from the date of receipt of a copy of the report of the Joint Committee."

3. In compliance with the order passed by the Hon'ble Tribunal, a joint committee was constituted consisting of representatives from Central Pollution Control Board, MP State Wetland Authority,

4. That the joint committee submitted its report before Hon'ble Tribunal on 08/11/2022, wherein the following conclusions and recommendations were made which are quoted below:-

Conclusion:-

- I. *There is no such significant ground water depletion and any noticeable adverse impact has seen as on date on ground water level due to coal mining in Sohagpur coal field area.*
- II. *Ponds are seen filled with water & hand pumps are also found working so chances of water scarcity is not visible and foreseen in Sohagpur coal field area.*
- III. *Results of Air & Water samples taken are found to be within limit hence any violations of environmental norms are not prevailing. According to ranking released by environmental surveillance center, Bhopal for last 3 years air quality index of Shahdol district and nearby anuppur district is always comes under satisfactory category.*
- IV. *Fencing or toe walls are existing around the periphery of coal mines on most of the places. The area where barbed wire are stolen, the work of re- erection of the fencing is under construction for protection of animals.*

Recommendations:-

- I. *For improvement and up gradation in existing status, committee recommends that:-*
- II. *The road MP SH 9A towards Khairaha UG Mine from Nehru Chowk, is not in good condition. The coal mine management should collaborate with relevant state government authorities and maintain this 11km stretch of MP state road after following due process of tendering & Contract to remove pot holes. CSR fund may be utilized for this public interest work.*
- III. *Mine management of Sohagpur coal area should improve/ modify/beautify existing gardens in every coal mines and also increase the area of garden.*

- IV. Committee recommends to increase their plantation target by 25 to 50% more than last five year average from next year 2023-24.
 - V. Mine management of Sohagpur coal area should improve their water supply facility in nearby villages under CSR activity.
 - VI. It is also advisable that mine management of Sohagpur coal area should install piezometer with digital water level recorder mechanism equipped with telemetry system to monitor ground water level on regular basis.
 - VII. Committee also like to recommend that for transportation of coal, at least 25% vehicle with automatic mechanical covering system in place of traditional Tarpaulin covered trucks should be used within one year and increased subsequently. Required amendment is proposed to be made in relevant act and in consent conditions by competent authority.
 - VIII. Mine management should construct at least one more rain water harvesting structure at appropriate location near to every operational mine apart from already existing rain water harvesting structure's.
 - IX. STP should be constructed at Bangwar UG Mine colony in view of upgrading the existing treatment facility oxidation pond for management of domestic waste water.
5. That after perusal of the report of the joint committee, Hon'ble Tribunal vide order dated 14/12/2022 passed the following directions which are quoted below:-

"In view of the averments made in the application and observations made in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Madhya Pradesh through Chief Secretary, Government of Madhya Pradesh, (2) the Principal Chief Conservator of Forests (HoFF), Government of Madhya Pradesh, (3) MPPCB, (4) the Collector/District Magistrate, Shahdol and (5) the Project Proponent- M/s South Eastern Coalfields Ltd., who stand impleaded as respondents No. 1 to 5. The

Registry is directed to prepare and attach memo of parties to the application. Respondent no. 3 has already appeared before this Tribunal through counsel. Notices be issued to respondents No. 1, 2, 4 and 5." (5)

6. It is further most respectfully submitted that South Eastern Coalfield Limited (SECL) is a subsidiary of Coal India Ltd. SECL is having mines in Umaria, Shahdol and Anuppur districts of Madhya Pradesh. SECL is operating coal mines in these districts since 1973. SECL has taken prior approvals from the MoEF & CC under Forest Conservation Act, 1980 of all coal mines are operating in forest areas of Madhya Pradesh. Thus, all the coal mines operated by SECL are having pre requisite permission. A list of approval under Forest Conservation Act, 1980 is marked and filed herewith as **Annexure R-2/1**
7. It is pertinent to mention that the Plantation work is carried out by Madhya Pradesh Rajya Van Vikas Nigam on the mined-out areas as well as on mining dumps on a regular basis. Madhya Pradesh Rajya Van Vikas Nigam is a Government Organization and the amount required for plantation as well as for its maintenance is provided by SECL. These plantation have been developed as a good forest and providing a good habitat for small wildlife. A very few incidents of wildlife death due to road accident has happened in these areas in the past.
8. As per the condition of approval under Forest Conservation Act, 1980, a strip of 7.5 meter width is kept as safety zone in every coal mine. The periphery of all coal mines is fenced either by loose stone wall or by barbed wire fencing. As pointed out by the Joint committee in its report, fencing has been damaged/theft at few places. SECL should repair this fencing immediately.
9. The roads in the mining areas are not in a good condition due to heavy traffic of trucks carrying coal from mines to railway siding.

As suggested by the Joint committee, SECL should invest a part of their CSR activity fund for maintenance of these roads.

10. Suggestions of the Joint committee regarding plantation target, providing water supply facility in nearby villages and construction of STP at Bangwar mine colony are for the improvement of ecology in these area. These activities should be undertaken at SECL cost.

11. An affidavit is filed herewith.

SUBMITTED BY,

RESPONDENT NO. 2

THROUGH,

Place: BHOPAL

Date:14/03/2023

(SACHIN K. VERMA ADV)

COUNSEL FOR RESPONDENT No. 2

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
O.A. NO. 552/2022**

IN THE MATTER OF:

APPLICANT: RAVI TRIPATHI

//VERSUS//

RESPONDENT: STATE OF MADHYA PRADESH & ORS.

AFFIDAVIT

I, Ramesh Kumar Gupta, Aged about 59 years, S/o Late Dr Hiralal Gupta, posted as PCCF & HOFF, O/o Conservator of Forest & Head of Forest Force (M.P.), do hereby state on oath and solemnly affirm as under:-

1. That, I have been appointed as Officer In-charge in the present matter on behalf of Respondent No. 2 and as such I am well conversant with the facts of the case and therefore, competent to swear this affidavit.
2. That the accompanying reply has been drafted as per my instructions and also explained to me.
3. That the contents of para 1 to end of accompanying reply are true to my knowledge based upon official records and the legal averments made therein are true on the legal advice received and believed to be true.



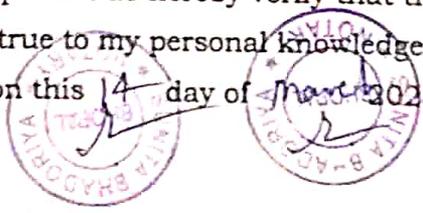
Rampr

DEPONENT

VERIFICATION

I, above described deponent do hereby verify that the content of para 1 to 3 of the affidavit are true to my personal knowledge and belief.

Verified and signed on this 14 day of March 2023 at Bhopal (M.P)



Rampr

DEPONENT

IDENTIFIED BY ME

Sachin R. Verma
608, Lawyers Chamber

SOLEMNLY AFFIRMED BEFORE
ME BY THE WITHIN NAME
Sunita Bhadoriya
14/03/2023
SUNITA BHADORIYA
NOTARY
BHOPAL (M.P.) INDIA

APPROVED PROPOSAL (SHAHDOL CIRCLE)

S.No	NAME OF THE PROJECT & USER	SANCTION ORDER No. (FILE No.) (SECOND STAGE)	DATE	DIVISION	FOREST AREA DIVERTED (IN HECT)
1	EXPLOSIVE MAGAZINE BY SECL	8-104/81/FC	18-03-1982	SHAHDOL SOUTH	0.700
2	SOHAGPUR AREA APPROACH ROAD BY SECL	8-297/82/FRY (CONS)	24-12-1982	SHAHDOL SOUTH	0.951
3	SOHAGPUR AREA SURFACE RIGHTS SECL	8-133/82/FC	14-02-1983	SHAHDOL SOUTH	4.532
4	NEW COLLIERY RAJNAGAR BY SECL	8-387/82/FRY (CONS)	21-05-1983	SHAHDOL SOUTH	3.326
5	HINDUSTAN ALUMINIUM CO LTD.	8-275/83/FC	04-07-1983	SHAHDOL SOUTH	16.303
6	CONST. OF BUILDINGS BY SECL	8-301/83-FC	02-08-1983	SHAHDOL SOUTH	0.404
7	SURFACE RIGHTS JHAGRAKHAND BY WCL	8-362/83/FRY (CONS)	25-11-1983	SHAHDOL SOUTH	9.000
8	RAILWAY SIDING AND COAL HANDLING PLANTS - RAJNAGAR COLLIERY BY SECL	8-158/82	01-12-1983	SHAHDOL SOUTH	18.336
9	MINING LEASE SOHAGPUR AREA BY WCL	8-93/83/FRY (CONS)	30-12-1983	SHAHDOL SOUTH	2.589
10	DRIVAGE OF NO 9&10 INCLINES OF JHINAR SUB AREA BY WCL	8-203/83/FRY (CONS)	08-03-1984	SHAHDOL SOUTH	2.942
11	SOHAGPUR AREA OPEN CAST BY SECL	8-125/85-FRY(CONS)	15-12-1986	SHAHDOL SOUTH	151.210
12	SOHAGPUR AREA MINING LEASE BY SECL	8-194/84/FC	15-12-1986	SHAHDOL SOUTH	513.269
13	SOHAGPUR AREA WEIGHING BY SECL	8-71/85/FC	25-02-1987	SHAHDOL SOUTH	0.300
14	SURFACE RIGHT IN SOHAGPUR AREA BY WCL	8-125/85/FC	13-04-1987	SHAHDOL SOUTH	403.118
15	COAL MINING LEASE, SOHAGPUR BY WCL	8-360/83-FRY(CONS)	13-02-1989	SHAHDOL NORTH	260.026
16	JAMUNA KOTMA BY SECL	8B-7/29/90-FCW/1285	04-09-1990	SHAHDOL SOUTH	0.951
17	SINKING AIRSHOFT AND FAN HOUSE CONS. BY SECL	8B/13/45/91-FCW/1571	25-09-1991	SHAHDOL SOUTH	0.147
18	CONSTRUCTION OF PIPE LINE DRINKING WATER IN SHAHDOL DIST. BY SECL.	8B/07/13/91-FCW/81	17-01-1992	ANUPPUR	0.044
19	CONST. OF SUB STATION BY SECL	8B/4/48/92/FCW/1275	09-07-1992	SHAHDOL SOUTH	0.455
20	ओपन कास्ट माईन के सुरक्षा हेतु नाली विकास हेतु नाली निर्माण साउथ ईस्टर्न कोल फील्ड लिनो	8B/15/168/93/FCW/1559	01-11-1993	SHAHDOL SOUTH	0.900
21	CONSTRUCTION OF APPROACH ROAD BY SECL AT ITS SOHAGPUR MINES AREA, SHAHDOL	8B9/167/93FCW/1558	01-11-1993	SHAHDOL SOUTH	0.880
22	DOLA OPEN CAST COAL MINING PROJECT BY SECL	8C/6/126/93-FCW	03-12-1993	SHAHDOL SOUTH	8.903
23	DIVERSION OF 13.566 HA. FOREST LAND FOR COAL MINING BY SECL IN DIST. SHAHDOL	8C/6/128/93-FCW	21-03-1994	ANUPPUR	11.058
24	DIVERSION OF 83.083 HA. FOREST LAND IN SHAHDOL DISTRICT FOR OPEN CAST MINING BY WCL LTD. JHAGRAKHAND AREA.	8-69/85-FC	29-03-1994	ANUPPUR	83.083
25	DHANPURI OPEN CAST MINE BY SECL (APPROACH ROAD TO LOADING CENTRE OF DHANPURI OCM FOR SECL SOHAGPUR AREA)	8B/54/95-FCW/1084	20-07-1995	SHAHDOL SOUTH	0.150
26	DHANPURI UNDERGROUND MINE BY SECL	8C/5/241/94-FCW	14-08-1995	SHAHDOL SOUTH	6.547
27	APPROACH ROAD TO NAVAGARH & RAJENDRA MINES AREA FOR SECL SOHAGPUR AREA	8-B/53-95/FCW/1329	06-09-1995	SHAHDOL SOUTH	1.211
28	OPENCASST MINING BY SECL	8C/6/281/95-FCW	03-01-1996	SHAHDOL SOUTH	18.900
29	RAMNAGAR DRINKING WATER PROJ BY SECL	8B/62/96/FCW	10-05-1996	SHAHDOL SOUTH	1.000
30	SURFACE RIGHTS TO SECL IN SOHAGPUR MINES.	8C/6/157/93-FCW	24-02-1997	SHAHDOL SOUTH	2.902
31	OPENCASST COAL MINING IN HASDEO AREA BY SECL	8-28/96-FC	31-03-1997	SHAHDOL SOUTH	55.030
32	JAYANT COAL PRO BY SECL	8-85/97 FC	24-07-1997	ANUPPUR	168.290
33	KAPIL DHARA BY SECL	8-85/97/17	24-07-1997	SHAHDOL	216.147

S.No	NAME OF THE PROJECT & USER	SANCTION ORDER No. (FILE No.) (SECOND STAGE)	DATE	DIVISION	FOREST AREA DIVERTED (IN HECT)
34	RAJENDRA UNDERGROUND COAL MINING PROJECT BY SECL	8-42/98-FC	31-07-1998	SHAHDOL SOUTH	36.364
35	SHAVNI COAL PROJ. BY SECL	8-39/98-FC	28-10-1998	ANUPPUR	268.000
36	NEW KANDA COAL PROJ. BY SECL	8-86/98-FC	10-11-1998	ANUPPUR	83.000
37	DHANPURI OPEN CAST MIN. BY SECL	8-11/99-FC	02-06-1999	ANUPPUR	309.000
38	DEPILLARING & FENCING BY SECL	10/8C/6/162/9	05-07-1999	SHAHDOL SOUTH	12.870
39	RAJENDRA UNDERGROUND MINING, SECL	8-2/2000-FC	19-07-2000	SHAHDOL SOUTH	36.000
40	DHANPURI OPEN CAST MINING BY SECL	8-111/99-FC	05-02-2001	SHAHDOL SOUTH	351.205
41	KAPILDHARA UNDERGROUND MINE BY SECL	8C/17/2000/FCW1107	06-05-2002	SHAHDOL SOUTH	9.286
42	DHANPURI DEPILLARING & FENCING BY SECL	8C/016/2001/FCW1257	29-05-2002	SHAHDOL SOUTH	5.000
43	NAWAGAON AND RAJENDRA (UNDERGROUND) COAL MINING PROJECT BY SECL. (LEASE RENEWAL)	F 8-220/1991 FC(Pt)	26-08-2011	ANUPPUR	113.110
44	UNDERGROUND COAL MINING TO SHEETAL DHARA AND KURJA PROJECT BY SECL	8-71/2002-FC	20-05-2013	ANUPPUR	126.372
45	RENEWAL OF UNDERGROUND MINING OF COAL IN HASDEV AREA IN KAPIL DHARA PROJECT BY SECL	6-MPC050/2005-BHO/2128	26-12-2013	ANUPPUR	4.960
46	HALDIBARI UNDERGROUND MINING PROJECT IN HASDEV AREA BY SOUTH EASTERN COALFIELDS LIMITED (SECL) IN HASDEO AREA (COAL MINING)	FP/MP/MIN/1395/2006	31-03-2016	ANUPPUR	120.000
47	DIVERSION OF 87.612 HA OF FOREST LAND FOR DHANPURI OPEN CAST MINING IN FAVOUR OF SECL (COAL MINING).	8-47/2010-FC	02-08-2016	ANUPPUR	87.612
48	Diversion of 18.611 Revenue Forest land for open cost mining (High Wall) at sharda OCM Extension	6-MPC026/2015-BHO/1197	23-12-2016	SOUTH SHAHDOL	18.611
49	DIVERSION OF 165.985 HA FOREST LAND AND 0.935 HA REVENUE FOREST LAND TOTAL 166.920 HA FOR AMLAI OCM SECTOR-B SECL SOHAGPUR	8-12/2015-FC	07-07-2017	S SHAHDOL	166.920
50	RENEWAL OF OPEN CAST MINING IN SURVEY NO. 268 (OUT OF 69.17 HA) IN FAVOUR OF CHIEF GENERAL MANAGAR S E. C. L. (COAL MINING)	6-MPC045/2009-BHO	05-12-2017	ANUPPUR	25.262
51	DIVERSION OF 110.811 HA OF FOREST LAND FOR UNDERGROUND COAL MINING IN FAVOUR O M/S MADHYA PRADESH STATE MINING COPORATION LTD. IN SHADOL MP (COAL MINING) New User M/s Ultratech Cement Ltd.	8-03/2012-FC	31-07-2018	SHAHDOL SOUTH	110.811
52	Diversion of 66.177 ha Forest Land and 10.663 ha Revenue Forest Land Total 76.840 Ha for Open Cast Mining of Rampur Batura OCM	8-33/2015-FC	16-07-2019	SOUTH SHAHDOL	76.840
53	Diversion of 747.92 Ha. of forest land for underground coal mining and 4 Ha. forest land for surface right to New Jhiria Project in favour of M/s South Eastern Coalfield Limited in district Sahdol, Madhya Pradesh	8-72/2002-FC	06-12-2019	ANUPPUR	747.920
54	KANCHAN OPENCAST COAL MINE	6-MPC053/2018-BHO	25-03-2021	UMARIA	6.081

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VAKALATNAMA**IN THE HON'BLE NATIONAL GREEN TRIBUNAL, (PB) BENCH, NEW DELHI****ORIGINAL APPLICATION / APPEAL / REVIEW No. 552 / 20 22****RAVI TRIPATHI**.....Claimant/Petitioner/Applicant**VERSUS****STATE OF MADHYA PRADESH & D.S.**.....Respondent/Non-Applciant

I/we the Respondent/Non- applicant named below do hereby appoint, engage and authorize advocate named below to appear, act and plead in aforesaid case/proceedings, which shall include applications for restoration, setting aside of ex-parte orders, corrections, modifications, review and recall of orders passed in these proceedings, in this Court or in any other Court in which the same may be tried/heard/proceeded with and also in the National Green Tribunal in respect of proceedings arising from this case/proceedings as per agreed terms and conditions and authorize him/ them to sign and file pleadings, cross objections, petitions, applications, affidavits, or other document as may be deemed necessary or proper for the prosecution/ defence of the said case in all its stages and also agree to ratify and confirm acts done by him/ them as if done by me/us : In witness whereof I/We do hereunto set my/ our hand to these presents, the contents of which have been duly understood by me/ us, this 14th day of March 2023 at Bhopal (M.P.)

Particulars (in block letters) of each Party Executing Vakalatnama

Name & Father/s/ Husband/s name	Registered Address	E-mail Address (if any)	Telephone Number (if any)	Status in the case	Full Signature/ **Thumb Impression
(1)	(2)	(3)	(4)	(5)	(6)
Ramank Kumar Gupta S/o Dr. Hiralal Gupta	O/o PCCF, Satpuda Bhawan, Bhopal	pccfmp. mp.gov. in	9424790001 9827314412	PCCF	Ramank _____

Accepted:

Particulars (in Block Letters) of each advocate accepting Vakalatnama

(1)	(2)	(3)	(4)	(5)
SACHIN K. VERMA <i>AV</i> STANDING COUNSEL STATE OF MP NATIONAL GREEN TRIBUNAL (CZ) ENRL NO. MP/2130/1998	CHAMBER NO. 608, UCI LAWYERS CHAMBER ARERA HILLS BHOPAL462011	ngtstand ingcoun sel@gma il.com	9425412492	<i>Sachin K. Verma</i>