

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
Principal Bench, New Delhi

In  
Original Application No. 200/2018

In the Matter of: -

Dukalu Ram

Applicant

Vs.

Union of India & Ors.

Respondent(s)

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1.	<b>Report of the Oversight committee</b> in compliance to Hon'ble NGT, PB order dated 27.02.2020 (Uploading dated 20.03.2020) in the matter of O.A. No. 935/2018 titled as Dukalu Ram Vs. Union of India & Ors.	
2.	<b>Annexure-1:</b> Action Plan of Chhattisgarh Environment Conservation Board (CECB).	
3.	<b>Annexure- 2:</b> A copy of Hon'ble NGT order dated 27.02.2020 (Uploading dated 20.03.2020).	



(Nazimuddin)

Scientist 'E'

Central Pollution Control Board  
Parivesh Bhawan, East Arjun Nagar  
Delhi-110032

Place: Delhi

Date: 20<sup>th</sup> July, 2020

**BEFORE THE HON'BLE NATIONAL GREEN  
TRIBUNAL PRINCIPAL BENCH, NEW DELHI**

Original Application No. 200/2018  
Dukalu Ram & Ors Versus Union of India & Ors

**Report of Oversight committee constituted by Hon'ble NGT Order Dated 27.02.2020**

In the matter of Dukalu Ram versus Union of India (OA 200/2018), Hon'ble NGT, Principal Bench, New Delhi vide order dated 27.02.2020 imposed environment compensation of INR 154.8 crore on Jindal Power Limited and INR 6.696 crore on SECL and directed the Oversight committee to ensure its compliance. Other suggestions subject to the direction that the amount assessed may be deposited by JPL and SECL within one month from date of the order are as under-

1. Submission of Action plan by CECB for environmental remediation and restoration of the area and providing 12 CAAQMS in mining area, affected villages and non-attainment cities.
2. District Collector Raigarh to prepare and implement R&R Plan for the residents of surrounding villages.
3. SECL to submit and implement time bound action plan for black top road and green belt of 125 m width around the lease boundary. SECL to also provide adequate health facilities to villager affected by coal mining and create artificial barriers of sufficient height within three months to minimize the impact of air pollution.

In compliance to the above directions passed by Hon'ble NGT, the oversight committee has requested by post and Emails to all concerned for submitting action taken report on priority. In this context the response received are summarised as under-

1. Central Pollution Control Board has informed on 09.07.2020 that M/s Jindal Power Limited and M/s SECL has not deposited the compensation amount as directed by Hon'ble NGT in order dated 27.02.2020
2. Chhattisgarh Environment Conservation Board (CECB) has submitted action plan which is placed at Annexure-01. The action plan has been

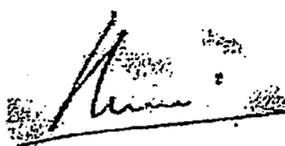
examined by the oversight committee and comments/ suggestion are as under-

- The action plan so prepared with the intent of environmental remediation and restoration of the area appears inclusive covering the entire gamut of concern exhibited in detailed report.
- Green belt must be done with due consideration of local bio-diversity. The local species of flora needs to be afforested so as to invite varieties of in-situ fauna and eventually restoring the ecosystem
- Carrying capacity and assessing the so far the impact of mining over Tamnar area- *so rich in forest and other geographical variabilities* is most important aspect that need to be undertaken at an earliest priority

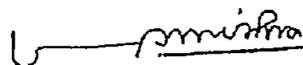
3. Response from M/s Jindal Power Limited, M/s SECL is still awaited. Collector Raigarh has nominated RO, CECB, Raigarh as his representative.

  
(Dr. Purusottam R. Sakhare)  
Scientist - "D"  
MoEF&CC- RO, Nagpur

  
(Bhim Singh, IAS)  
District Collector  
Raigarh (CG)



(Dr. S.K. Sinha)  
Professor  
IIT (ISM)

  
(Dr. R. P. Mishra)  
Scientist "D"  
Central Pollution Control Board  
Regional Directorate-Central  
Bhopal



Chhattisgarh Environment Conservation Board  
ParyavasBhawan, North Block, Sector-19  
Atal Nagar, Nava Raipur (C.G.)  
Email - hocecb@gmail.com

No. <sup>2788</sup>/Legal/CECB/2020

Atal Nagar, Date 3/7/2020

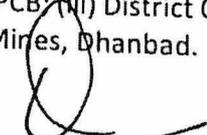
To,  
Member Secretary,  
Central Pollution Control Board,  
Parivesh Bhavan, East Arjun Nagar,  
New Delhi-110032

**Sub:- DUKALU RAM V. UOI (ENVIRONMENT COMPENSATION ON JINDAL AND SECL).**

In the matter of "Dukalu Ram v. Union of India" (OA 200/2018), the National Green Tribunal, Principal Bench, New Delhi vide order dated 27.02.2020 imposed environment compensation of amount INR 154.8 Crores on Jindal Power Limited (Gare Palma IV/2 and Gare Palma IV/3) Raigarh and of amount INR 6.696 Crores on SECL for illegal mining and violation of EC conditions which has resulted in gross environment damage. Thereafter, JPL and SECL has been directed to deposit the compensation amount to CPCB within 1 month of the said judgment. Further directions have been given to CECB to prepare an action plan for utilizing the amount for environmental remediation and restoration of the area.

In the light of aforesaid directions of the NGT, CECB has prepared an action plan for utilization of the amount to be paid by Jindal Power Limited and SECL. The same is attached herewith for further review and approval of the Committee comprising: (i) Regional Office MoEF&CC, Nagpur; (ii) CPCB; (iii) District Collector, Raigarh; (iv) Indian Institute of Forest Management, Bhopal and; (v) Indian School of Mines, Dhanbad.

Encl. - As above.

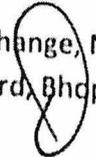
  
Member Secretary

Chhattisgarh Environment Conservation Board  
Atal Nagar, Nava Raipur, District-Raipur (C.G.)

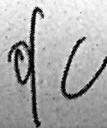
Atal Nagar, Date 3/7/2020

<sup>2789</sup>  
No. /Legal/CECB/2020  
Copy to:

1. Regional Office, Ministry of Environment, Forest and Climate Change, Nagpur, Maharashtra.
2. Regional Directorate, Scientist-D, Central Pollution Control Board, Bhopal, Madhya Pradesh.

  
Member Secretary

Chhattisgarh Environment Conservation Board  
Atal Nagar, Nava Raipur, District-Raipur (C.G.)



**HON'BLE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI,**  
**ORDER DATED 20.03.2020**  
**IN ORIGINAL APPLICATION NO. 200/2018**  
**DUKALU RAM AND ORS. V. UNION OF INDIA & ORS.**

In the matter of "*Dukalu Ram v. Union of India*" (OA 200/2018), the National Green Tribunal, Principal Bench, New Delhi vide order dated 27.02.2020 imposed environment compensation of amount INR 154.8 Crores on Jindal Power Limited (Gare Palma IV/2 and Gare Palma IV/3) Raigarh and of amount INR 6.696 Crores on SECL for illegal mining and violation of EC conditions which has resulted in gross environment damage. Thereafter, JPL and SECL has been directed to deposit the compensation amount to CPCB within 1 month of the judgment. Further directions have given to CECB to prepare an action plan for utilizing the amount for environmental remediation and restoration of the area.

In the light of aforesaid directions of the NGT, CECB has prepared an action plan for utilization of the amount to be paid by Jindal Power Limited and SECL. The same is presented below subject to realization of the amount and approval of the Committee comprising: (i) Regional Office MoEF&CC, Nagpur; (ii) CPCB; (iii) District Collector, Raigarh; (iv) Indian Institute of Forest Management, Bhopal and; (v) Indian School of Mines, Dhanbad.

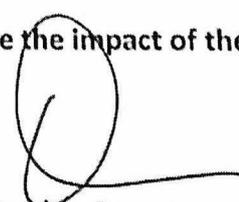
**Action Plan for utilizing the amount for Environmental Remediation and Restoration of the Area,  
Villages Sarsmal and Kosampali, Tamnar Raigarh.**

Sr. No.	WORK	AMOUNT IN CRORES	TIMELINE	IMPLEMENTING AGENCY	OVERSEEING AGENCY
1.	Creation of artificial barriers of sufficient height to minimize the impact of the air pollution in village Sarsmal and Kosampali.	-	3 Months	SECL	CECB
2.	Green belt in 3000x10M <sup>2</sup> (3Hec.)	0.28	3 Months	SECL	Collector District - Raigarh
3.	Installation of 12 CAAQMS instruments (03 in mining areas - 01 in affected villages Sarsmal - kosampali and 08 in non-attainment cities-Raipur, Korba, Bhilai) with 07 years of operation and maintenance warranty with its connectivity to CPCB/CECB.	12.00	1 Year	CECB	Central Pollution Control Board (CPCB)
4.	Carrying Capacity and overall Cumulative Impact Assessment Study of mining area of Tamnar region, District - Raigarh.	2.50	2 Years	CECB Through reputed institute (IIT/NEERI)	Central Pollution Control Board (CPCB)
5.	Upgradation of laboratory of Regional office CECB Raigarh for purchase of equipments	2.0	1 Year	CECB	Central Pollution Control

	for monitoring and analyses of air, water and noise samples.				Board (CPCB)
6.	Environmental awareness programs in schools in mining affected area of Tamnar.	0.50	3 Years	Education Department Raigarh	CECB
7.	Black topped road for providing 5.84 km black topped road with RC drain & RCC retaining wall in mining area.	23.00	1 Year	SECL	Collector District - Raigarh
8.	Hospital in victims area with regular of Doctor and free medicine. For provide adequate health facilities to villagers affected by coal mining.	12.50	1 Year	SECL	Collector District - Raigarh
9.	Development of green belt of 125 m width around the lease boundary.	29.00	3 Years	SECL Through Forest Department	Collector District - Raigarh
10.	Preparation and Implementation of R&R plant for the residents of surrounding village Sarsmal and kosampali.	79.00	3 Years	Collector District - Raigarh	State Government of Chhattisgarh
	<b>Total</b>	<b>160.78</b>			

1. Environmental Compensation Imposed on JPL Tamnar, Raigarh Rs. 154.08crores.
  2. Environmental Compensation Imposed on SECL, Raigarh Rs. 6.696crores.
- Total : Rs. 160.78 crores

Creation of artificial barriers of sufficient height to minimize the impact of the air pollution in village Sarsmal and Kosampali to be done by SECL.

  
Member Secretary

Chhattisgarh Environment Conservation Board  
Atal Nagar, Nava Raipur, District-Raipur (C.G)

Corrected on 19.06.2020

Item Nos. 01 &amp; 02

Court No. 1

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

Original Application No. 200/2018  
(M.A. No. 615/2018)  
(Earlier O.A. No.319/2014 (CZ)  
With  
Execution Application No. 04/2019  
IN  
O.A. No. 200/2018

Dukalu Ram &amp; Ors.

Applicant(s)

Versus

Union of India &amp; Ors.

Respondent(s)

Date of hearing: 27.02.2020

Date of uploading of order: 20.03.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER  
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

**ORDER**

1. This order is being passed in continuation of order dated 31.07.2019 which order is to be read with earlier orders dated 16.11.2016, 18.04.2017, 31.07.2018 and 14.02.2019. The issue for consideration is remedial action against alleged illegal mining by Jindal Power Limited (JPL) (for the period from 2006 to 2015) and by SECL/CIL thereafter in Coal Blocks of Gare Palma IV/2 and Gare Palma IV/3 in Distt. Raigarh, Chhattisgarh particularly in the light of Expert Committee report dated 30.01.2017 (based on site inspection conducted on 23.12.2016 by Regional Office (WCZ), MoEF&CC, Nagpur in pursuance of order of his Tribunal dated 16.11.2016) and further reports in the matter filed on 18.12.2017 and 14.06.2019.

2. The illegalities found are: (a) diverting forest land for mining, (b) causing pollution in the course of mining, affecting the crops of the farmers, (c) dumping of chemical and coal water into the fields, (d) increase in production capacity of the open-cast mine without clearance from the Ministry of Environment, Forest and Climate Change (MoEF&CC), (e) not complying with the EC conditions for developing green belt around the mining area, (f) not sprinkling of water on the roads, (g) transportation of coal in open trucks causing air pollution, (h) causing ground water levels to recede which had adverse effect on the bio-diversity of the region, (i) loss of ecological services, (j) not providing health facilities to the victims of pollution, inspite of order of this Tribunal.

3. Case of the applicant as emerging from the application and documents on record is that the coal blocks were allotted to JPL on 23.05.1998. Mining lease was given over 964.650 ha in said coal blocks for electricity generation on 12.10.2004 by the Ministry of Coal and on 12.05.2005 by the Govt. of Chhattisgarh. EC was granted by the MoEF&CC on 22.09.2004 subject to certain conditions. It was mentioned in the EC that no R&R was involved. Out of the said area, 48.20 ha is forest land and the remaining is the revenue land. Forest Clearance was granted on 10.12.2003. The coal mine was to feed the power plant of 1000 MW TPP, 9 km away from the mines. First phase of mining started in May 2006. Initial capacity was for production of 5.25 Million Tonne Per Annum (MTPA). Expansion for production for 6.25 MTPA of coal was accorded by MoEF&CC on 12.06.2012 involving the same lease area. This expansion project also comprised component of

4.75 MTPA (800 TPH) of pit head coal washery within the mine lease. This production of 6.25 MTPA of coal was for meeting the requirements of 1000 MW linked TPP. Further the MoEF&CC amended the EC on 16.04.2015 in respect of certain 'specified' conditions. The grant of lease was challenged before the Chhattisgarh High Court in *W.P. (c) No. 7864/2011, Karam Singh & Ors. v. State of Chhattisgarh & Ors.* Interim order was granted on 02.01.2012. However, the company continued mining and applied for increase of coal production capacity. Though the EAC expressed unwillingness to accord such permission, the company continued capacity enhancement, including underground mining. No requisite safeguards were adopted during mining which adversely affected the inhabitants. No green belt was built, no sprinkling of water was done on the roads. Transportation was in open trucks causing pollution and affecting biodiversity of the area. Mining was also done in the forest area. The applicants filed several complaints and since no adequate action was taken, the present application was filed before this Tribunal on 22.09.2014.

4. On 25.09.2014, this Tribunal issued notice to the MoEF&CC, Chhattisgarh Environment Conservation Board and the Jindal Power Limited (JPL). The MoEF&CC filed its reply on 11.12.2014 to the effect that the JPL was bound to follow the conditions of EC for expansion of coal mine project granted on 12.06.2012 and also the provisions of the Air (Prevention and Control of Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974 and Environment (Protection) Act, 1986. The Chhattisgarh Conservation Environment Board (CECB) also filed a similar reply on 15.12.2014.

5. By judgment of the Hon'ble Supreme Court dated 25.08.2014 in *M.L. Sharma vs Principal Secretary & Ors., (2014) 9 SCC 516* allocation of coal blocks was declared illegal and by further order dated 24.09.2014 in the said matter reported in *(2014) 9 SCC 614*, compensation was directed to be deposited. In view of these developments, vide order dated 22.04.2015, this Tribunal impleaded Coal India as party as the coal blocks were reallocated to Coal India.
6. Reply to the application was filed by the JPL on 08.10.2015 stating that since Coal India was the designated custodian of the coal block in question in view of the order of the Delhi High Court dated 27.03.2015, JPL had no liability. Allegation of discharge of chemicals and violation of environmental norms was denied. It was also denied that the coal was transported by open trucks or that the green belt was not developed or that the other EC conditions were not carried out. Coal India filed its reply on 08.10.2015 claiming compliance of EC conditions on its part.
7. Vide orders dated 05.04.2016, 01.08.2016, 16.09.2016 and 16.11.2016, this Tribunal considered the issue of compliance of environmental norms. CECB was required to furnish a specific report whether JPL had complied with the EC conditions before Coal India taking over the coal blocks. **In response to the said orders, in particular order dated 16.11.2016, the MoEF&CC filed its report on 30.01.2017 annexing a detailed site inspection report dated 23.12.2016 to which reference will be made later. We may only note that in the said report**

**violations of EC conditions and environmental norms during the mining were clearly found (Para 17). The said report has never been challenged.**

The report was considered by the Tribunal on 18.04.2017 and it was observed that JPL is liable for non-compliance as it had carried operations since 2006 till the operations were taken over by Coal India (in March 2015) and thereafter liability is of CIL/SECL.

For this purpose, the Tribunal vide order dated 18.04.2017 constituted a Committee comprising of Joint Secretary, MoEF&CC and Joint Secretary of Ministry of Coal. The Committee was to give hearing to the parties and file a report before this Tribunal by 10.07.2017. Relevant part of the order dated 18.04.2017 is as follows:

“xx xx xx

*... since the existing operations were carried out since 2006 at the site in question and for which the EC was granted, however, looking to the intervening factors the allotment was cancelled up to the point of time the Respondent No. 4 was in control of operations. The non compliance of the EC conditions make the Respondent No. 4 liable. They are responsible in terms of the non-compliances made and their impact and adverse consequences both to the environment and consequential adverse effect on the residents of the nearby villages also needs to be studied and determined. At the same time remedial measures both for the environment as also compensatory measures for the residents of the area who have been adversely affected also needs to be studied and compensation award considered.*

xx xx xx

*... We direct that the committee of two persons of the level of Joint Secretary one from the Ministry of Environment of Forest & CC as also a person from Ministry of Coal Mine Government of India be constituted for dealing with and submitting a report on the above issues before this Tribunal. The Secretary, MoEF & CC in consultation with the Secretary, Ministry of Coal & Mines, Government of*

*India shall constitute the aforesaid committee. The committee shall be answerable to the Secretary MoEF and CC, Government of India for constituting their recommendation along with the report and observations and also fixing the liability on the respective project proponents that is Respondent No. 4 and Coal India Ltd. / SECL. This report be submitted before this Tribunal within two months.*

*We further direct that the committee shall give a hearing to all the parties including the Applicant and the Respondents. The committee shall also be entitled to call the representatives of the experts with their reports / observations and recommendations including experts from ISM, CIMFR, CMPDI or any other experts as it may deem proper. The parties would be free to produce before committee all the material that has already been filed before us and forms part of the record or any other material that may be relevant for determining the issue.*

*We would further direct that both Respondent No. 4 and CIL shall deposit with the Registrar of NGT CZB a performance guarantee bond (a solvent security bond ) for an amount of Rs. 5 crores each for fulfilling any requirement of payment of compensation in case the need so arises in terms of the recommendations of the committee for compensating the affected persons and also for complying with the necessary conditions under the EC.*

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*The said committee shall finally submit its report to this Tribunal on or before 10.07.2017. We further direct that the hearing in this matter shall be held at Bilaspur in Chhattisgarh by the said committee. It is also expected and directed that the committee for its own observations inspect the site in question and make a record of their observations. The first hearing of this committee at Bilaspur by the time and steps shall be notified by the Secretary MoEF to all the parties concerned.”*

8. In pursuance of the above, a report was filed before the Tribunal on 18.12.2017, which was considered by the Tribunal on 31.07.2018. The Committee confirmed the findings in the earlier report dated 23.12.2016 referred to above and found various deficiencies in the process of mining. The observations and suggestions of the Committee are as follows:

**“Observations and Suggestions:**

(i) The Committee observed that the issues which emerged out of the original application filed in the Hon’ble National Green Tribunal, Bhopal and subsequent miscellaneous application, inter-alia include

- a) Illegal Mining,**
- b) encroachment by the mining company in the village property,**
- c) damage to houses due to heavy blasting,**
- d) raging of fire,**
- e) impact of mining on Ambient Air Quality, water (surface & ground) quality, health of habitation, etc.**

(ii) **The compliance report as submitted by the MOEFCC Regional Office, Nagpur reported non-compliance of various environmental conditions. It has been observed, that after the elapse of almost 8 months, there has not been any significant improvement in the compliance status. The custodian akin also seems to be not serious in effective implementation of the project. The Committee was of the view that pursuant to grant of environmental clearance, monitoring of project is the only criteria to assess the seriousness of the proponent towards environment. No significant improvement in compliance of environmental safeguards has been seen post December, 2016. It is a very sensitive matter and has direct implication with the public health, the SECL was therefore directed to take immediate necessary action for effective compliance of the stipulated safeguards.**

(iii) **Raging of fire in mining pit and OB dump is one of the sensitive issues, which was also contained in the order of Hon’ble NGT. The report submitted by ISM Dhanbad and CIMFR, Dhanbad was only an interim report. On a question to M/s SECL regarding final report in the matter, it was informed that the interim report has been submitted to the Ministry.**

(iv) With regard to underground mining and non-compliance of the condition, the custodian akin has informed that the Company is presently not interested for underground mining. M/S SECL was directed to immediately take up the matter of deleting this component from the environmental clearance.

(v) Regarding diversion of Bendranallah, no sincere efforts have been taken so far. About 1230 m stretch of nallah flows along the mine lease. How the earlier proponent reported that compliance is not applicable? The

custodian akin stated that the plan for diversion of Bendranallah as prepared by M/s JSPL was not found to be feasible and they are again drawing the same in consultation with CMPIDIL. **The delay caused in the process of diversion shows non-seriousness of the proponents towards surface water quality. The earlier proponent worked in the area since 2006 and benefited with ore extraction and responsible for neglecting the interest towards social, and health aspect of the society residing therein. The custodian akin has to act immediately in the proposal and finalise the same within a period of four months, so that the quality of the water of the nallah well protected.**

(vi) **Construction of embankment of 5km length between river Kelo and mining lease was not complied so far.** The conditions of the environmental clearance are for compliance. **This condition was for protection of surface water body from pollution caused due to mining operation. Despite operation of mine since 2006, the proponent has not shown any seriousness towards this important condition pertaining to surface water quality and therefore, it could be mentioned with certainty that the earlier proponent is more responsible for this non-compliance.**

(vii) Topsoil is an important resource and requires utmost attention for its protection. Its formation is a very slow process and taking about 100 years for every inch of soil formation. We may not allow letting it go waste and therefore, this condition was specific to it. The Committee was informed that they have a topsoil dump of 8-10 meters height and soil is being used for reclamation and plantation. The ideal height of topsoil dump is 3 meters. The Committee felt that the top soil was not stored properly, therefore, the custodian akin should immediately initiate action for utilization of this important resource.

(viii) With regard external OB dump, it was informed to the Committee that there will be no new external OB dump. There is only one external OB dump and work of reclamation of dump is underway. No OB will now be dumped in to external dump. It was a new fact came to the notice of the Committee. The Committee asked, if it is true, why the proponent has not taken up the matter with the Ministry to get necessary correction in the environmental clearance letter? The custodian akin was asked to look into this aspect technically and compare the same with approved mining plan. If it is found true, immediate necessary action be initiated to get amendment in the environment clearance letter.

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- (ix) **The coal transportation is being done by road, which is in violation of the clearance letter.** The custodian akin should have taken action to get this condition amended.
- (x) **The internal roads were not black topped for which the earlier proponent is responsible to a great extent;** however, the custodian akin has also not taken any initiative to comply with this condition. This needs to be done on priority as it will help in immediate abatement of fugitive emissions.
- (xi) **Raging of fire in the mining pit and dumps is really a cause of concern and needs immediate redressal. The Committee felt that the smoke from the fires (containing Carbon Monoxide & H<sub>2</sub>S) is creating health problems for the villagers.** For quenching of fire, instead of clay pasting which is not very effective. The state Government and M/s ECL have to ensure no fly ash is dumped in the area. Due to fire raging ambient temperature is increasing, which is adversely affecting the environment. Necessary timely action required to combat the fire and local people be involved in the fire fighting team.
- (xii) **Due to fire, the area is witnessing heavy smoke, which is adversely affecting the health of inhabitants and their livestock and other living beings.** It is also resulting in increase in ambient temperature due to inversion, i.e. trapping of pollution close to ground. Necessary timely action is required to combat the fire and abate the pollution. Local people may also be involved in the fire fighting team.
- (xiii) **The Committee felt that despite rain on the day of site visit, the levels of air pollution in the area appeared to be on very higher side. It was difficult for them to continuously stay at the site.** The custodian akin has to priorities this issue and take measures control the same, failing which it will badly affect the health of the locals.
- (xiv) **The development of green belt has been neglected both by the earlier proponent d the new custodian akin.** They are not clear about the concept of greenbelt and always confusing with plantation. As the name itself explain the meaning of green belt, i.e. a belt of plants around the activity area to attenuate the pollution. **The liability for non-compliance of environmental condition with regard to development of green belt lies more with M/s JSPL.** Both, the proponent and custodian akin are responsible for non-compliance of this important condition. No one has taken up this condition seriously. If this condition was taken up seriously, the situation would not have been so alarming.

(xv) **Depletion of water table is also a cause of concern as a result of mining. The water tables have been punctured as a result the mine drainage is very common resulting both surface and also ground water.** As a result, the hand pumps in the surrounding villages are reported drying. The custodian akin has now the responsibility to look into this important aspect and ensure that further depletion of water table be avoided. With regard to this specific mine the custodian akin has informed the Committee that at present they have no plan to work the mine underground.

(xvi) In order to provide effective health facilities to the villagers, M/s SECL shall provide for weekly visit of a qualified medical doctor for medical checkup and provide medicine free of cost.”

9. The report further dealt with the *inter-se* liability of JPL and SECL as follows:

**“As regards the M/s Jindal Steel and Power Limited, following shortcomings were noticed by the Committee:**

- (a) No clearance obtained from MoEF for capacity enhancement, including underground mining.**
- (b) Mining activities being conducted at a distance of 10 meters from the settlements, leading to vibration and flying rock causing destruction to house and property.**
- (c) No green belt developed between mine and the village & Coal being transported in open trucks.**
- (d) NOC of Gram Sabha of the affected village not obtained before diversion of Forest land.”**

As regards M/s South Eastern Coalfields Limited following recommendations were made by the Committee:

- (i) The environment clearance granted to the earlier allottee required it to develop a green belt. This, however, was not visible to the Committee Members. As the mine is no longer being operated by the earlier allottee, it is suggested that the present custodian should develop this green belt as per the estimate to be prepared by the Chhattisgarh Forest Development Corporation and as per specifications laid down in the EC. The expenditure of the same shall be borne by the earlier allottee.**

*(ii) While the EC condition mandated that there should be a distance of 150 mtrs. between the mine boundary and the habitation, this distance is ineffective in protecting the habitation from the ill-effects of mining. The reason being that habitation is at much higher elevation than the mine and, therefore, the pollutants impact the villagers by being transmitted through the air. Due to mine fires, a significant quantity of CO and Sulphur was discernible in the air. It is, therefore, recommended that there should be a distance of atleast 500 mtrs. between the mine boundary and the villages. In addition, the present custodian should be directed to create a barrier, whether artificial or natural of sufficient height to minimize the impact of transmission of this pollution through the air. It may be mentioned that the Committee Members did not see any encroachment by the villagers in the mine nor it seems possible due to the differences in elevation.*

*In order to provide effective health facilities to the villagers affected by coal mining, the present custodian should be required to depute a Doctor on a permanent basis to all the villages in the vicinity. Medicines to a certain limit, say Rupees one lakh per month, should be provided free of cost to the villagers. The Doctor should also be provided with a vehicle. The present custodian should install and maintain Air Quality Monitoring Stations at the habitation site which should be monitored quarterly by Regional officer, Nagpur of MOEFCC. The cost for the same shall be borne by the present custodian.*

*(iii) The lack of black – topped roads is a significant source of respiratory problems in the area and or air pollution. The State PWD should prepare an estimate for the black – topping of approach roads and internal roads which should be executed by the present custodian and cost borne by the earlier allottee. As the layout of internal roads shall keep changing as per the Mining Plan, the future needs should also be accounted for. In view of the non-implementation of the EC conditions by the earlier allottee, NGT may like to impose a suitable fine which could become part of the District Mineral Fund. This amount should be spent only*

**on the villages affected by mining activities and be spent on civic amenities in these habitations, for example, recharging of wells, provision of drinking water, repair of house which have cracked due to mining activities like blasting, restoration of ponds and hand pumps and also of places sacred to the tribals, Community Centre etc.**

**(iv) The present custodian shall ensure complete quenching of mine fires within a limited timeframe and also ensure that no fly-ash is deposited by it or by any other agency or organization.**

**(v) The Committee also strongly feels that the State Government should review the cases against the villagers for redressal of their grievances.”**

10. The report was accepted and an Oversight Committee was constituted for remedial action in the light of the report vide order dated 31.07.2018 read with 14.02.2019.

11. Accordingly, the Oversight Committee gave its report dated 14.06.2019 assessing monetary compensation for the violations and recommending further remedial action. The matter was considered on 31.07.2019 as follows:

*“3. The report of the Joint Committee dated 14.06.2019 in respect of the remedial action to be taken has been furnished. Findings and suggestions therein are as follows:*

*“Based on the information and documents draft report with assessment was prepared to obtain concurrence of all committee members and expert members. Hence the second meeting of the committee was conducted on 07.05.2019 at Raigarh. The assessment report prepared for damage and restoration of environment is as under:*

<b>S. No.</b>	<b>Non compliances</b>	<b>Method of calculation</b>	<b>Amount in Crores</b>	<b>Enclosure</b>
<b>Assessment towards M/s Jindal Power Limited</b>				
1.	As per Hon’ble NGT, the lack of black - topped roads is a	Rate adopted in the estimate are: 1. For road	23.1044	Annexure - XII

	<p>significant source of respiratory problems in the area and or air estimation of approach roads and internal roads should be prepared by State PWD. EE PWD provided detailed estimate for construction of coal transport road at Gare Pelma Coal Block IV/2 &amp; IV/3 in Raigarh District Total Road Length – 5.84 Km</p>	<p>and C.D. works as per schedule issued by Engineer in Chief C.G. PWD Raipur in force from 01.01.2015 &amp; amended upto date.</p>		
2.	<p>Green belt development in 318.3345 hectare area (33% of Lease area i.e. 964.65 hectares) which includes 3 hectare area to be developed around the habitation area for which estimate of DFO is attached annexure XII</p>	<p>As per forest conservation act 1980 and amendments time to time for afforestation. Copy of the latest order dated 09.04.2019 is presented in the report of DFO Raigarh</p>	28.90	Annexure – XIII
3.	<p>Non-compliance of Environmental clearance conditions (from 22.09.2004 to 16.04.2015 i.e. 3854 days) – No Green belt development and mining activities at a distance of 10 m. from settlements. Joint committee has considered of EC conditions as intentional discharge to environment –</p>	<p>Methodology for assessing Environmental Compensation (EC) by CPCB:  <math>EC = PI \times N \times R \times S \times LFPL</math>            LFPL = Pollution Index of industrial sector            N = No. of days            R = Factor in Rs. For EC            S = Factor for scale of operation            LF = Location Factor</p>	23.124	Annexure – XIV

	land, water and air resulting into damage to the environment class (e) of environmental compensation criteria.			
4.	Environmental damage on account of ecosystem services losses as per report submitted by ISM Dhanbad- Jharkhand	Rates in Rupees/ ha /year -water purification 2450/- -GW recharging - 1269/- -pollination - 10167/- -carbon sequestration 2442/- -fuel wood - 5320/- -Non Wood Forest produce NWFP - 17074/- -Soil conservation = 9024/- Bamboo - 4274/- Total Rs. 64555/- 64555*48.2*4	1.245	Annexure – XV
5.	Excess mining @ 1MTPA from April, 2009 to March, 2011 (24 months)	As per notice given by Collector Raigarh based on excess coal mined recorded by District Mining Officer	77.706	Annexure – X
<b>Sub Total 154.8</b>				
<b>Assessment towards M/s SECL</b>				
1.	Non compliance of NGT order dated 14.2.2019 for Effective health facilities to be provided to villagers affected by coal mining	Methodology for assessing Environmental Compensation (EC) by CPCB  EC=PIxNxRxSx LFPL=	6.696	Annexure – XIV

	<p>Non- compliance of EC conditions (from 17.04.2015 to 07.05.2019 i.e. 1115 days) and lack of permanent ambient air quality monitoring station in core zone and buffer zone. Joint committee has considered non compliance of EC conditions as intentional discharge to environment – land, water and air resulting into damage to the environment class (e) of environmental compensation criteria</p>	<p>Pollution Index of industrial sector  N=No. of days  R= Factor in Rs. For EC  S= Factor for scale of operation  LF = Location Factor</p>		
<b>Sub total 6.696</b>				
<b>Grand Total 160.78</b>				

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12. In above background, we have taken up the matter for further orders. We have perused the order dated 30.07.2019 passed by the Hon’ble Supreme Court in I.A. No. 109950/2019 in Civil Appeal No. 2524/2019, *M/s Jindal Power Limited v. Union of India & Ors.* which is as follows:

*“The National Green Tribunal will consider all objections raised by all the parties to the three Member Committee’s Report before passing any orders in this case.*

*The interlocutory application stands disposed of.*

*Mr. Mukul Rohatgi, learned senior counsel appearing for the applicant-appellant, informs us that he will require a week’s time to file objections before the National Green Tribunal. The*

*National Green Tribunal may consider this request of the applicant.”*

13. We have also perused the objections filed by the Respondent No. 4, Jindal Power Limited (JPL) on 13.08.2019 and the documents relied upon on behalf of the said party including affidavit dated 10.12.2014 submitted by Scientist-B of the MoEF&CC, Regional Office, Bhopal; compliance report dated 30.09.2016 filed by SECL before MoEF&CC; compliance letter dated 04.04.2018 submitted by SECL to the MoEF&CC; work order and photographs showing cross country pipe conveyer (CCPC) installed by JPL which is still in operation; work order granted to the contractor to widen the approach road of about 6.32 km. and the certificate of completion of the same; recent photographs of the approach road; work orders granted for construction of pucca (black topped/concreted) internal roads with total length of about 4.5 kms inside the mine lease area; recent photographs of the pucca (black topped/concreted) internal roads; affidavit dated 16.09.2016 filed by the CECB before this Hon'ble Tribunal in O.A. No. 200/2018; affidavit dated 08.10.2015 filed by SECL (Coal India) before this Hon'ble Tribunal; photos showing developed green belt around the coal washery unit, crushing unit, stock yard, near transfer points and along the roads; reply dated 15.12.2014 of the CECB; documents evidencing the payments against NPV; show cause notice dated 24.12.2018 issued by the Collector, Raigarh and reply submitted by M/s JPL vide letter dated 17.01.2019. We have also perused written submission filed on behalf of the applicants on 09.12.2019 to the objections filed by Respondent No. 4.

14. We have heard learned counsel for the applicants, Respondent No. 4, CPCB and MoEF&CC. We have also perused further written submissions filed in pursuance of order dated 27.02.2020 by the applicants on 05.03.2020 and by Respondent No. 4, JPL on 12.03.2020.
15. Before we consider the objections now raised by JPL to the report dated 14.06.2019, we note that there first report on the subject of violation of environmental norms and EC conditions first by JPL (during 2006 – 2015) and later by SECL was filed by the MoEF&CC on 30.01.2017 which was dealt with by this Tribunal on 18.04.2017. Second report dated 18.12.2017 was thereafter filed by joint Committee confirming the findings in the report dated 30.01.2017. The said second report was duly accepted by this Tribunal vide orders dated 31.07.2018 and 14.02.2019. The said reports and the orders of this Tribunal are not under challenge and have attained finality. Report dated 14.06.2019 which is subject matter of present consideration is execution and quantification of the damage found in the earlier reports which have become final.
16. We may now refer to the first report of the MoEF&CC filed on 30.01.2017 based on site inspection dated 23.12.2016. In the said report, it was inter-alia found that there was non-compliance of EC conditions by JPL while conducting mining from 2006 to 2015 in failing to black top the roads causing respiratory problems to the inhabitants in the area, not providing green belt, discharging pollutants on the land, water and air affecting the eco-system and doing excess mining. The findings are reproduced below:

***“1. RAGING FIRE IN THE GARE IV/2 & IV/3 COAL BLOCKS***

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- i. Gare Palma coal block IV/2 & IV/3 is located in the south Eastern part of the Mand Raigarh Coalfield. The Gare area is divided into four sectors i.e. section I-IV. Sector IV is further subdivided into 8 sub sectors viz. IV/1 to IV/8. **Gare Palma IV/2 & IV/3 OCP was first allotted to M/s Jindal Power Limited in July 1998. However, as per the direction of the Hon'ble High Court of Delhi, the SECI has been appointed as custodian of the said mine.** The SECL has taken over the charge of Gare Palma IV/2 and IV/3 on 1.05.2015.
- ii. During the intervening period due to prolonged exposure of coal bench, spontaneous combustion i.e. self-heating fire had started in loose and blasted left out coal at various locations in different seams of the mine. In addition, fire has also occurred in OD dumps also which was further aggravated by dumping of corboneaous material. Fire was dealt by mine management using fire tender and placing water pipelines upto the fire site. Despite their efforts, fire continued to rage at several places in coal bench and in OB dumps.
- iii. The representatives of the User Agency have informed that initially raging fire was noticed at 15 locations in mining pits as well as in OB area. However, due to continuous efforts of the PP the raging fire at several locations has been quenched while efforts to quench the remaining fire are still on.
- iv. In pursuance to the instruction contained in the Hon'ble NGT order, the SECL has assigned a study to the ISM, Dhanbad and CIMFR, Dhanbad on the issues related to inventorization and management of the raging fire in the mining lease area. The ISM, Dhanbad, and CIMFR after carrying out survey of the area submitted an interim report on control and prevention of fire in Gare pelma OCP to the SECL on 30.11.2016 containing its recommendations for the management of raging fire. The recommendations made by the ISM Dhanbad are given at Annexure-I.
- v. The representative of the PP have informed that based on the thermal survey conducted in consultation with the ISM Dhanabd and CIMFR, Dhanbad total 23 sites have been identified including 15 sites reported earlier, were observed in the mining area. Status of raging fire in the various sites as reported by the ISM, Dhanbad and CIMFR, Dhanbad in their interim report is given at Annexure-II.
- vi. The representatives from the User Agency have informed that in accordance with the recommendation of the CIMFR and CMPDIL Ranchi, the following measures area being taken by the PP:

- (a) Fire fighting arrangements, as per the recommendation contained in the report have been initiated and are being implemented. However, during the inspection, with regards to efforts made by the PP towards making the fire fighting arrangements, following is observed:
- (b) The PP has informed that fire in the mining pit has been quenched completely. However, at places where raging fire still exist, it will be quenched soon. The PP has also informed that in the area near excavated pits, raging fire develops to spontaneous heating of exposed carbonaceous material.
- (c) A water pipeline has been laid to ensure continuous supply of water to fire raging sites.
- (d) Concrete fire fighting arrangements are yet to be implemented by the PP.
- (e) With regards to the procurement of fire fighting equipments like fire tankers, and chemical, it is observed that two water tankers have been engaged for fire fighting. It was also informed by the PP that fire fighting chemicals viz. Sodium Silicate & D.A.P. (Di Ammonium Phosphate) are being procured and after their procurement, the mixture of chemicals will be used to quench fire in OB area.
- (f) The PP have also informed that operation of the mine has been carried out as per the provisions and approval of DGMS (Directorate General of Mines Safety) and CEGB (Chhattisgarh Environment Conservation Board).
- (g) The PP has also informed that good housekeeping practices are being adopted for early detection of fire. However, during the inspection, it was observed that constant vigil coupled with good housekeeping practice is mandatory for tackling the existing and likely raging fire effectively.
- (h) The PP has also informed that fire fighting team has been set up. However, detail of the team has not been made available.
- (i) With regards to raging fire in the close proximity of inhabited areas such as Kosampali and Sarasmal villages which are located at a distance of approximately 80-160 mts from the boundary of mining lease, the PP has informed that expeditious measures will be undertaken to quench fire in such areas. The PP has also informed adequate precautionary measures will also be undertaken to

prevent incidence of raging fire in the proximity of habitation.

- (j) The PP has also informed that monitoring of the air quality will be done on regular basis with a view to keep the air quality within the prescribed limits.
- vii. The representatives from the local CBO and villagers have reported that raging fire in the mining lease has been occurring since the commencement of mining operations as no concrete efforts were made by the PP to quench the raging fire in mining pits and OB areas.
- viii. **During the inspection also, it was observed that raging fire still exists at several locations in the mining pit area as well in the OB dumps.** The smoke produced by the raging fire has transformed the local atmosphere into a turbid atmosphere emission of smoke from the raging fire contains toxic gases, including carbon monoxide and sulfur dioxide, Imo cue from the fire is causes rising levels of carbon monoxide and Sulphur dioxide which is detrimental to the local environment as well as to the health of nearby residents. **The local villagers have also reported that efforts to quench fire have been initiated only after they have moved an application in the NGT, Bhopal.**
- ix. During the inspection, after observing the raging fire and also the submission made by the local villagers, the PP has been advised to implement the recommendation before the onset of summer season as the concern for increased fire may deepened in the coming summer season.

## **2. IMPACT OF MINING ON LOCAL ENVIRONMENT**

It was observed that raging fire coupled with the fugitive emissions from the mining lease have transformed the local environment which is disastrous to the health. Transportation of coal through trucks instead of conveyor belt, poor management of internal roads, dumps, etc. are adding to the degradation of local environment. The better housekeeping practices, proper management of internal roads, OB dumps, etc. needs to be strengthened by the PP.

## **3. IMPACT OF MINING ON GROUND WATER AND OTHER LOCAL WATER RESOURCES**

- i. It is reported by the custodian PP that water quality is being monitored on quarterly basis by the CMPDIL. The original allottee in its compliance report has earlier reported that peizometers at three locations have been established, as per the provisions contained in environment clearance.

- ii. It was observed during the inspection that water sources specially ponds and handpumps in the adjacent village of Kosampalli and Sarasmal have been dried up.** Two ponds, in the village of Kosampalli and Sarasmal villages have been observed to be dried up resulting into the difficulty for villagers to carry out activities linked to the village pond such as cattle rearing. The villagers have also reported that local currently, 15-17 handpumps, installed during 1995-96 in the villages to meet drinking water needs, have also been dried up and the villagers are now totally dependent on alternate water supply provided through the pumps installed by the local panchayat. In the event of power breakdown, the drinking existing water supply also ceases resulting into the drinking water crisis for villagers.
- iii. The representative of CBO has also informed that recently a situation analysis of the impact of mining on local resources was undertaken by the independent experts. A copy of the report, as made available by the representative of the NGO is enclosed at Annexure-III. Complete details of credentials of experts who have undertaken the study have not been provided in the said report. It is inter-alia mentioned in the report that water resources of the region have been contaminated and the underground water is not potable.
- iv. Out of the dried ponds of the villages, one (Sarasmal village) is located near to the mining sump area and the sump has adequate water to meet the water requirement of the area. The PP has been advised to regularly fill the pond of the village by using sump water from the mining void as it may re-charge the ground water resources of the villages.
- v. In additions to above, it is also observed that local nallah named Bendra Nallah (tributary of Kelo river) which was required to be diverted in accordance with the environment clearance has not been diverted so far and it is reported to be generally laded with coal dust, released from the existing mining lease, IV/1 and mining lease of Hindalco located on the bank of the nallah. Provisions stipulated in the environment clearance to regularly monitor the quality of water needs to be strengthened and rigorously implemented in consultation with an independent agency.
- vi. Another local nallah named Karra (tributary of Kelo river) located between village Kosampalli and Libra village was also observed to be laden with coal dust rendering it black colour. During the inspection, it was gathered that discharge from the CHP of the PP is poured into the nallah causing its contamination.

#### **4. MINING VIS-A-VIS SOCIOECONOMICS OF THE LOCAL VILLAGERS**

*It has been observed that mining so far has been restricted to 450 ha area only. The total lease area of the coal block is 965 ha comprising of 48.209 ha of forest land. The PP has reported that so far mining operation have been carried out in approximately over an area of 450. The remaining area out of 965 ha has been observed to be used by the villagers for agriculture. A road connecting the village of Kosampalli and Sarasmal is also passing through the lease area which as per PP will be dismantled during the expansion phase of the mining lease and the villagers will be provided access through alternate road. **The local villagers have informed that due to mining their socio-economic development has come to standstill as the water resources of the village, indispensable for socio-economic development have been dried up.** At present, the village of Kosampalli, is surrounded by the mining lease of Gare Pelma IV/2 & IV/3 on three sides. **The distance of the village from the boundary existing lease ranges from 20 meters to 300 meters.** Nearest mining pit from the village of Sarasmal appears to be located within a distance of 500 meters i.e. mining pit is located at a distance not permissible as per the existing guidelines of DGMS. **Location of the village in such a close proximity of the mining lease has undoubtedly impacted the local resources and ultimately the socio-economic regimes of the local inhabitants.** The PP has informed that they have initiated socio-economic development of the area under the CSR with a view to enhance the socio-economic development of the area.*

*It was also gathered during the inspection that so far mining operations of the PP are limited to approx 450 ha and the PP has obtained environment clearance for increased production from 5.25 MTPA to 6.25 MPTA. To achieve the production of 6.25, the mining operations are required to be extended over the entire area of approx 965 ha. Expansion of mining project will certainly have adverse impact of the villages surrounded by the mining lease of the PP.*

#### **5. DEMARCATION OF LEASE BOUNDARY**

*It was observed that the PP has fenced the area under mining. However, proper demarcation of lease boundary of entire 965 ha was not observed during the inspection. Boundary pillars were observed only at few locations. The representative of the User Agency have informed that so far Differential GPS survey of the mine has not been completed and after completion of the same the lease boundary shall be demarcated by erecting concrete pillars of appropriate height bearing forward and backward bearings of their geographical location,*

#### **6. COMPLIANCE OF CONDITIONS STIPULATED IN THE ENVIRONMENT CLEARANCE**

*It has been observed that pending the decision on the mining lease in the Hon'ble High Court of Delhi, the provisions contained in the environment clearance have not been complied with for most of the conditions. Though the custodian company M/s SECL has been complying with the conditions stipulated in the environment clearance yet there efforts observed to be too meagre to effectively ensure compliance of environment clearance. Summary of the major findings on the status of compliance of conditions stipulated in the environment clearance is given as under:*

- i. **Most of the conditions compiled in the environment clearance viz. air quality monitoring, ground water monitoring, implementation of Wildlife Conservation Plan, etc. are not complied with properly.** From the previous compliance submitted by the PP it is observed that original allocattee has initiated efforts towards their compliance, however, for want of proper follow up and also change in the PP the same are complied with effectively.*
- ii. **Measures to arrest silt in the lease area have been observed to scanty, as the silt have been flowing into the agricultural fields of local villages.** Management of internal roads was observed to be poor. No drainage system was observed to be in place along the internal roads.*
- iii. **No green belt in the lease area of the PP has been observed. Moreover, no plantation on the sides of the road, on the O8 has been observed.***
- iv. Embankment to be construction along the Kelo river was not observed. Prominent catch drains and garland drains were not observed in place may be because of their poor management.*
- v. Management of OB is not in accordance with the provisions stipulate in the environment clearance.*
- vi. Ground water monitoring being done by the PP needs to be strengthened as the local water sources observed to be dried up.*

17. The report also annexes an interim report of the ISM, Dhanbad and CIMFR on the subject of control and prevention of fire in Gare Pelma OCP. It is not necessary to quote the recommendations which are contained in Annexure-I to the report. The report gives

detailed status of compliance of EC conditions in Annexure-IV in a tabular form reproduced below:

S. No.	Conditions stipulated	Status of compliance
<b>A. Specific conditions</b>		
(i)	Maximum production by opencast mining shall not exceed 6.25 MTPA and that by underground mining shall not exceed 0.75 MTPA. The maximum combined production at any given time shall not exceed 6.25 MTPA from both opencast and underground mining.	<b>Being complied with</b> The PP has mentioned the production is going on from Opencast mine. UG mining has not yet started. The representative has also informed that at present the maximum production realized is approximately 4.5 million tones.
(ii)	The mining operations shall be opencast during the first 34 years and underground mining shall begin from the 3 <sup>rd</sup> year and continue until the end of mine life.	<b>Being complied with</b> Mining operations, by the original PP, have been started in the year 2012. Based on the information provided by the PP, it is observed that original PP has already started construction of incline for underground mining and incline upto a length of 800 meters has already been constructed out of the total length required of 1200 meters.
(iii)	Before starting underground mining, the void shall be properly backfilled, stabilized and reclamation undertaken. Sufficient parting shall be maintained between the bottom most OC seam and top most UG seam.	<b>Not complied with</b> Thought the UG mining has not been started yet the incline over a length of 800 meters has already been constructed by the PP. Nothing has been reported on reclamation of void.
(iv)	Diversion of Bendra Nala flowing through the ML area for a total length of 1230 m shall be undertaken under the supervision of Hasdeo Kacher Water Resource Department (WRD), Silaspur. The diversion channel of Sendra nala shall follow the natural gradient and join at the point of original exit at the ML boundary in its original course, so that the downstream users of Sandra Nala are not affected due to the proposed diversion. Monitoring of water quality of River Kelo and Sendra Nala upstream and downstream of the mine shall be monitored as per General Standards prescribed under EPA Rules, 1986 and data thereon uploaded regularly on the company website and also furnished as part of the Compliance Report to MOEF RO, Bhopal.	<b>Not complied with</b> The original PP i.e. M/s Jindal Power Limited has reported compliance as not applicable. While custodian company i.e. M/s SECL has reported that no diversion of Nala has been done so far. From the compliance report submitted in the past in the year 2015, it was observed that permission has been obtained by the PP from the Water Resource Department, Government of Chhattisgarh, MoEF&CC, New Delhi and Chhattisgarh Environment Conservation Board for diversion of Bendra Nala on 4.04.2011, 12.06.2012 and 28.01.2013, respectively. It is also informed by the PP that said Nala will be diverted under the supervision of Hasdeo Kacher Water Respurce Department, after obtaining approval of the diversion plan which has been submitted to the concerned Department on 7.12.2013. No updated status of the proposal for diversion of Nala has been reported by the PP. It is also informed by the PP that IIT Kanpur has been engaged for monitoring of water quality report of River Kelo and Bendra Nala. A copy of

		<p>the report pertaining to the year 2014 has been submitted. No updated reports on the water quality. From the examination of the report pertaining to the year 2014, all the attributes pertaining to the water quality have been reported within permissible limits. However, no updated water quality report has been made available by the PP.</p> <p>The local villagers and representatives of local NGP have reported that water sources in the region have become contaminated especially Bendra Nala, Kharra nallah and Kelo river. It is informed by the villagers that water laden with coal dust from the CHP and mining leases of the PP is discharged into the Nallah resulting into its contamination.</p> <p>It is observed that no efforts so far have been made by the PP for diversion of Nala. The custodian PP has informed that necessary action in compliance to this condition shall be undertaken in due course.</p>
(v)	<p>Mining shall be carried out as per statute at a safe distance from River Kelo. The embankment of 5 Km length being constructed between River Kelo and the ML boundary shall be at least 6m higher than the HFL of River Kelo.</p>	<p><b>Not complied with</b></p> <p>The original PP i.e. M/s Jindal Power Limited has reported compliance as not applicable. While custodian company i.e. M/s SECL has reported that mining is carried out at safe distance of 2.6 km from the river Kelo. The original PP in its compliance report submitted in the year 2015 has reported that mining is being carried out at a safe distance and embracement of sufficient length and height will be constructed between the River Kelo and ML boundary. However, during the spot inspection no embankment was observed along the boundary of the ML with the river Kelo as stipulated in the instant condition.</p>
(vi)	<p>The proponent shall strengthen the embankment along the diverted stretch of the Bendra Nala and along River Kelo adjoining the boundary of the mine using large boulders in wire mesh along diverted Bendra nala and then along the eastern bank of Kelo river and grouting of weak portions of the embankment to protect the mine from flooding. The slope of the embankment towards the river shall at least 1:3 for stability and shall be stabilized with plantation using native species selected from the study area.</p>	<p><b>Not complied with</b></p> <p>The original PP i.e, M/s Jindal Power Limited has reported compliance as not applicable. While custodian company i.e. M/s SECL has reported that mining is carried out at safe distance of 2.6 km from the river Kelo. No such structures were observed along the boundary of the ML coinciding with the river Kelo.</p>
(vii)	<p>Top soil shall be stored in the earmarked area and used for green belt development and for plantation/reclamation within a year of its generation. Green belt development shall be completed within the first 3 years of mining</p>	<p><b>Not complied with</b></p> <p>No separate area earmarked for storage of top soil has been observed. Further, no green belt development programmes of plantation were observed in the mining lease area of the PP. No efforts were observed</p>

	operation.	towards the development of green belt. The custodian PP has initiated, in the year 2016, plantation programme in consultation with the Chhattisgarh Van Vikas Nigam. However, no protection measures to ensure survival of the plantation were observed at the plantation site. Further, the area used for plantation so far is negligible than the actual area available for carrying out plantation. Blank space in the mining lease, road side plantation, etc. should be taken for massive plantation. The custodian PP has been advised to strengthen the plantation drive for green belt development and to incorporate appropriate protection measures by employing fulltime watchman
(viii)	OB shall be stacked at earmarked external O8 dumpsites of 48.40 ha within ML area. The maximum height of the external O8 dump shall not exceed 60m. The ultimate slope of the dump shall not exceed 28°. Monitoring and management of existing reclaimed dumpsites shall continue until the vegetation becomes self-sustaining. Compliance status shall be submitted to the Ministry of Environment & Forests and its Regional office located at Bhopal on yearly basis	<b>Partially complied with</b> The custodian PP has informed that OB is being stacked at designated sites. It was observed provisions contained in the conditions have been compiled fully as the slope of the O8 was observed to be more than 28°. No dumping site has been observed to be reclaimed with plantation i.e. OB no plantation has been carried out on the OB.
(ix)	Catch drains and siltation ponds of appropriate size should be constructed to arrest silt and sediment flows from soil, OB and mineral dumps. The water so collected should be utilized for watering the mine area, roads, green belt development etc. The drains should be regularly de-silted and maintained properly.	<b>Partially complied with</b> The original PP i.e. M/s Jindal Power Limited has reported compliance as not applicable. While custodian company i.e. M/s SECL has reported that Catch drains and siltation ponds of appropriate size have been constructed to arrest silt and sediment flows from soil, OB and mineral dumps. However, during inspection no catch drain and siltation ponds were observed the same appear to have been silted up for want of appropriate management practices. Conservation measures to arrest silt and other material from the lease were observed to be poor and needs to be strengthened by the PP.
(x)	Garland drains (size, gradient and length) and sump capacity shall be designed keeping 50% safety margin over and above the peak sudden rainfall and maximum discharge in the area adjoining the mine site. Sump capacity shall also provide adequate retention period to allow proper settling of silt material.	<b>Partially complied with</b> The PP has reported that garland drain 3 x 3 meters has been constructed. However, no update details of the garland drain i.e. total length and number of garland drains constructed in the lease area could be made available by the PP. Moreover, certain OB were observed without any garland drain especially in the OB dumps located adjacent to the Bendra Nallah resulting into the flow of silt into the Bendra Nallah.
(xi)	Dimension of the retaining wall at the toe of the dumps and O8 benches	<b>Partially complied with</b> The PP has informed that toe wall of

	<i>within the mine to check run-off and siltation shall be based on the rainfall data.</i>	<i>appropriate dimension has been constructed around OB dumps additionally plantation has also been carried out on OB dump and its slope. However, during spot inspection no sign of plantations were observed on the OB dump and slope.</i>
(xii)	<i>During underground mining, while extracting panels in the lower seam, all water bodies in the subsidence area shall be drained. Dewatering of the old goaves of the upper seam shall be continued as long as the lower seam is worked to prevent accumulation of large water bodies over working area. At the time of depillaring, protective bunds and garland drains shall be provided so that no water from the surface enters the subsidence area and the shaft.</i>	<i>The PP has not yet started UG mining. It is observed that original PP has already started construction of incline for underground mining and incline upto a length of 800 meters has already been constructed out of the total length required of 1200 meters.</i>
(xiii)	<i>Sufficient coal pillars shall be left unextracted around the airshaft (within the subsidence influence area) to protect from any damage from subsidence, if any.</i>	
(xiv)	<i>Solid barriers shall be left below habitation, agriculture land, roads falling within the blocks to avoid subsidence. No depillaring operation shall be carried out below the roads and habitation area found within the lease. In case of subsidence, the land shall be acquired and compensation provided as per policy/rules.</i>	
(xv)	<i>Regular monitoring of subsidence movement on the surface over and around the working area and impact on natural drainage pattern, water bodies, vegetation, structure, roads, and surroundings shall be continued till movement ceases completely. In case of observation of any high rate of subsidence movement, appropriate effective corrective measures shall be taken to avoid loss of life and material. Cracks shall be effectively plugged with ballast and clayey soil/suitable material.</i>	
(xvi)	<i>Crushers at the CHP shall be operated with high efficiency bag filters/water sprinkling system shall be provided to check fugitive emissions from crushing operations, conveyor system which shall be closed, haulage roads, transfer points, etc.</i>	<i>The PP has not yet installed Crushers and CHP in the mine area. However, CHP of the original allottee in the area outside the lease, where all the activities related to the CHP are being performed by the PP.</i>
(xvii)	<i>Drills shall be wet operated only</i>	<b>Being complied with</b> <i>The PP has informed that the drills are wet operated.</i>
(xviii)	<i>Controlled blasting shall be practiced with use of delay detonators and only during daytime. The mitigative measures for control of ground vibrations and to arrest the fly rocks and boulders shall be implemented.</i>	<b>Partially complied with</b> <i>The PP has informed that the controlled blasting is being practiced by the User Agency. However, during the spot inspection it was observed that adequate mitigative measures for control of ground vibrations need to be taken by</i>

		<p>the PP. Prominent ground vibration even at a distance of approx 1 km was felt during the inspection. The villagers of Kosampalli and Sarasmal village have also reported that ground vibration due to blasting are felt even in their village settlement resulting into development of cracks in the walls of their houses and nearby earth/rock surface due to blasting. The user agency needs to resort to more controlled blasting practices by adopting good blasting designs using appropriate charging and firing to keep the ground vibration at minimum level. The User Agency has also been advised to explore the possibility of surface miners to avoid likely damage to nearby settlement.</p>
(xix)	Coal (18,000 TPD) shall be transported from the mine by 7-km long piped conveyors only to the linked power plant located at the distance of 9 km.	<p><b>Not complied with</b> It was observed that coal is being transported through trucks.</p>
(xx)	The Washery unit shall be a zero-discharge facility and no wastewater shall be discharged from the Washery into the drains/natural water courses. No groundwater shall be used for Washery operations. Recycled water shall be used for development and maintenance of green belt and in the plant operations.	<p>The PP has not yet installed the coal washery in the mine area. However, CHP of the original allottee in the area outside the lease, where all the activities related to the CHP are being performed by the PP.</p>
(xxi)	The raw coal, washed coal and middling and coal wastes (rejects) shall be stacked properly at earmarked site(s) within sheds/stockyards fitted with wind breakers/shields. Adequate measures shall be taken to ensure that the stored minerals do not catch fire.	
(xxii)	The proponent shall maintain proper records of the ash content of raw (ROM) coal, clean coal, middling and coal rejects along with quantum of raw coal obtained and washed and dispatched every month and the same shall be uploaded on the company website every month.	
(xxiii)	The entire quantity of clean coal shall be transported by conveyor only to the linked TPP located at a distance of 9 km from the mine.	<p><b>Not complied with</b> It was observed that coal is being transported through trucks.</p>
(xxiv)	All internal roads shall be concreted or black topped and the approach roads used for the project shall be blacked topped. Facilities for parking of trucks carrying raw coal from the linked coalmine shall be carried within the unit.	<p><b>Not complied with</b> Internal roads were observed to be as kuchha roads.</p>
(xxv)	The roads (internal / approach / and roads used for the project) shall be regularly cleaned with mechanical sweepers and with water sprinklers. A 3-tier avenue plantation shall be developed along the major approach	<p><b>Partially complied with</b> No mechanical sweepers were observed to be deployed for the cleaning of internal road. Water sprinklers have been reported to be deployed for cleaning. No avenue</p>

	roads, internal roads and nearby roads used by the company.	plantations were observed to be raised by the PP.
(xxvi)	Green belt shall be developed along the areas such as the Washery unit, crushing unit, and stockyards and at transfer points.	<b>Not complied with</b> No green belt in any of the area of the mining lease was observed during the inspection
(xxvii)	Hoppers of the coal crushing unit at the crushing shed and Washery unit shall be fitted with high efficiency bag filters/Dust extractors and mist spray water sprinkling system shall be installed and operated effectively at all times of operation to check fugitive emissions from crushing operations, transfer points of belt conveyor systems which shall be closed and from transportation roads.	The PP has not yet installed the coal washery in the mine area. However, CHP of the original allottee in the area outside the lease, where all the activities related to the CHP are being performed by the PP.
(xxviii)	The proponent shall ensure that coal rejects of 1.76 MTPA such as stones, shale and other wastes of an ash content of 77% or more only shall be dumped into the mine voids. Coal rejects with an ash content of 76% or less shall be fully utilized in TPP for power generation.	
(xxix)	An estimated 3.905 Mm <sup>3</sup> 5,07 MTPA) of fly ash from the power plant to be accommodated in the mine, shall be dumped in the mine void in alternate layers of fly ash and OB in the ratio of 25%:75% as per DGMS approval, after the initial row of OB of not less than 15m thickness to prevent dump failures.	<b>Not complied with</b> Ash dump is not maintained in mine area. As per the compliance reported by the Original Allottee in the year 2015, provision contained in the condition has been reported to be complied with. However, during the spot inspection, it was informed by the custodian PP that no ash dumping in the mining area is being done.
(xxx)	Continuous monitoring of long-term impacts of dumping of flyash (for life of the mine) and leaching of heavy metals on soil and water quality of the study area shall be undertaken and the details of which shall be submitted to the Central Ground Water Board, SPCB and to the Regional Office of this Ministry at Bhopal as part of the compliance report. Permanent monitoring arrangements such as peizometers shall be established in and around the mine area covering the potential impact zone for contamination of heavy metals due to leachates from the flyash and in case of increasing levels of heavy metals detected in the groundwater, further dumping of flyash shall be stopped immediately. Independent Third-Party monitoring of the impacts of dumping of flyash shall also be undertaken and reported to the regulatory authorities and uploaded on the company website.  In case disposal of flyash into the decoaled voids is not found to be an environmentally suitable option, the balance void shall be backfilled with only OB or converted into a water	<b>Not complied with</b> As per the compliance reported by the Original Allottee in the year 2015, provision contained in the condition has been reported to be complied with. It was reported therein that IIT-Kharagpur has been engaged for monitoring of long term impacts of dumping of fly ash and leaching of the heavy metals on soil and water quality in the area. However, during the spot inspection, it was informed by the custodian PP that no ash dumping in the mining area is being done.

	reservoir of a max. depth of 35m and shall be gently sloped and the upper benches of the reservoir shall be stabilised with plantation and the periphery of the reservoir fenced.	
(xxxix)	Regular monitoring of groundwater level and quality shall be carried out by establishing a network of existing wells and construction of new piezometers. The monitoring for quantity shall be done four times a year in pre-monsoon (May), monsoon (August), post-monsoon (November) and winter (January) seasons and for quality in May. Data thus collected shall be submitted to the Ministry of Environment & Forest and to the Central Pollution Control Board quarterly within one month of monitoring.	<p><b>Partially complied with</b></p> <p>It is reported by the custodian PP that water quality is being monitored on quarterly basis by the CMPDIL. The original allottee in its compliance report has earlier reported that piezometers at three locations have been established, as per the provisions contained in this condition. It was also observed that water sources specially ponds and handpumps in the adjacent village of Kosampalli and Sarasmal have been dried up. Two ponds, in the village of Kosampalli and Sarasmal villages have been observed to be dried up resulting into the difficulty for villagers to carry out activities dependent on the village pond such as cattle rearing. The villagers have also reported that currently, handpumps in the village meant for supplying drinking water have also been dried up and the villagers are now totally dependent on alternate water supply arranged through the schemes of local panchayat. In the event of power breakdown, the drinking water supply also ceases resulting into the drinking water crisis for villagers. The representative of CBO has also informed that recently a situation analysis of the impact of mining on local resources was undertaken by the independent experts. A copy of the report, as made available by the representative of the NGO is enclosed. It is inter-alia mentioned in the report that water resources of the region have been contaminated and the underground water is not potable. Out of the two ponds of the village, one is located near the mining sump area which has adequate water to meet the water requirement of the area. The PP has been advised to fill the pond of the village by using sump water from the mining void as it may re-charge the ground water resources of the villages.</p>
(xxxixii)	As the entire mine water is proposed to be used for the mine-cum-Washery operations, measures shall be taken for recharging ground water in and around the mine in the study area and for agricultural use. A Plan for water conservation and recharge measures of ground water along with budgetary provisions be prepared and implemented in consultation with the Central/State Ground Water	<p><b>Not complied with</b></p> <p>The PP has informed that ground water recharging is being done through water contained in quarry sump, garland drain, and settling ponds. However, the submissions made by the PP are not tenable in view of the fact reported under the compliance of conditions (xxxix). The matter regarding alleged impacts of mining on local resources including</p>

	<p>Board to mitigate the adverse impact of mining which may lead to depletion of ground water in the area.</p> <p>The Company shall put up artificial groundwater recharge measures for augmentation of groundwater resource in case monitoring of groundwater levels indicate decline of water table. Any additional water requirement for mining operation shall be met from rainwater use only, The project authorities shall meet water requirement of nearby village(s) in case the village wells go dry due to dewatering of mine. It shall be ensured that if the river/nala discharge of mine water takes place, it shall be treated to conform to prescribed standards before discharge.</p>	<p>water is also under sub-judice under the O.A No. 319/2014 pending before the Hon'ble NGT, Bhopal.</p>
(xxxiii)	<p>ETP shall also be provided for treatment of effluents from workshop, CHP and an STP shall be provided in the colony and the treated effluents shall be used for green belt development. Outflow of rainfall, if any, from the mine shall meet prescribed norms and the water quality of such discharge shall be monitored at the exit points and records maintained thereof and also uploaded on the company website.</p>	<p>The PP has not yet installed the coal washery in the mine area. However, CHP of the original allottee in the area outside the lease, where all the activities related to the CHP are being performed by the PP.</p> <p>It was also observed that silt laden with coal flows from the mining lease to the surrounding agricultural fields at certain points. The local villagers have reported that due to flow of coal laden silt in their fields, the productivity of agricultural crop is diminishing. Poor management of roads (without drainage system), OB dumps, lack of plantations, etc were observed to be reasons for outflow of silt from the mining lease into the agricultural fields and local nallah.</p>
(xxxiv)	<p>An afforestation plan covering an area not less than 938 ha shall be implemented which includes backfilled area (833 ha) and are originally covered by ext. OB dump (48.20 ha), along ML boundary, green belt, embankment (3D ha), along roads and infrastructure; undisturbed/vacant land by planting native species such as Sal, Tendu, Mahua, etc in consultation with the local DFO/Agriculture Department/institution with the relevant discipline. The density of the trees shall be around 2500 plants per ha.</p>	<p><b>Not complied with</b></p> <p>The custodian PP has informed that a total of 68,100 plants have been planted by the prior allottee over an area of about 48 ha. However, during inspection no plantation on the OB area has been observed. There are likely chances that for want of adequate safety measures, the plantation of the PP have failed to survive.</p>
(xxxv)	<p>Backfilling shall start by the 3<sup>rd</sup> year of operations and completed by 34<sup>th</sup> year with cessation of opencast operations. Of the total excavated area of 866.25 ha, about 833 ha shall be backfilled and reclaimed with plantation / afforestation by planting native plant species in consultation with the local DFO/Agriculture Department. The density of the tress shall be around 2500 plants per</p>	<p><b>Partially Complied with</b></p> <p>The backfilling is in process. No prominent plantation in the lease area has been observed to be undertaken by the PP.</p>

	<p>ha. The balance 30m of void shall be left as a water body and the upper benches of the water body shall be gently sloped and stabilized and reclaimed with plantation.</p>	
(xxxvi)	<p>A programme for conservation of the wildlife particularly for the Indian Elephant reported in the study area and for other rare and endangered species/Schedule-I fauna and endangered flora and species of medicinal importance found in the study area shall be formulated and implemented in consultation with the Forest and Wildlife Departments in the State Government. Separate funds shall be earmarked for implementation of the various activities there under and the status. There of shall be regularly reported to this Ministry and the MoEF Regional Office, Bhopal and also uploaded on the company website. The project authorities shall participate in a Regional Action Plan of the State Government for conservation of flora and fauna found within the study area.</p>	<p><b>Partially Complied with</b> It is reported that a separate Conservation management plan for flora and fauna has been prepared by previous allottee for their mining lease Gare IV/6. It is also reported that s the area is overlapping no separate Plan is required for IV/2 and IV/3. However, no detail, about the financial provisions, area proposed to be covered and status of implementation of the Conservation Plan, has been made available by the PP.</p>
(xxxvii)	<p>Besides, carrying out regular periodic health check up of their workers, 10% of the workers identified from workforce engaged in active mining operations shall be subjected to health check up for occupational diseases and hearing impairment, if any, through a recognised agency found in the district, and the results reported to this Ministry and to DGMS.</p>	<p><b>Being complied with</b> It is reported that periodic health check up and training programmes related to occupational health and safety is organized. However, no detail pertaining to the health check up data maintained by the PP was made available by the PP.</p>
(xxxviii)	<p>For monitoring land use pattern and for post mining land use, a time series of land use maps, based on satellite imagery (on a scale of 1: 5000) of the core zone and buffer zone, from the start of the project until end of mine life shall be prepared-once in 3 years (for anyone particular season which is consistent in the time series), and the report submitted to MOEF and its Regional Office at Bhopal.</p>	<p><b>Not complied with</b> It is reported that land use pattern monitoring has been done using satellite imagery for the year 2006 and 2010 and the same has been submitted to the MoEF&amp;CC, Regional Office. The satellite imagery stated to be submitted has not been received by the Regional Office.</p>
(xxxix)	<p>Cost for environmental protection measures shall be not less than Rs 1451.97 lakhs (capital) including Rs 837.81 lakhs for the Washery and the annual recurring costs shall not be less than Rs. 442.09 lakhs.</p>	<p><b>Partially complied with</b> Custodian PP has reported that cost of environmental protection measure is only 17 Iakhs for the year 2015-16 for mining.</p>
(xi)	<p>The activities under CSR shall continue for life of the mine (41 years) and a provision of Rs SIT of coal or Rs 2.6 crores (whichever is higher) adjusted according to value of the rupee, shall be undertaken for the villages in the study area until end of mine life. Details of village-wise</p>	<p><b>Partially complied with</b> The custodian PP has reported that activities under the CSR have been started and various programmes have been initiated. However, details of programmes have not been submitted.</p>

	activities under CSR along with the activities and budgetary provision shall be uploaded on the company website and the status of its implementation along with expenditure thereon and also desired that a Third party audit of implementation of CSR shall be done periodically.	
(xii)	A Final Mine Closure Plan along with details of Corpus Fund shall be submitted to the Ministry of Environment & Forests five year before mine closure for approval. Habitat Restoration Plan of the mine area shall be carried out using a mix of native species found in the original ecosystem, which were conserved in-situ and ex-situ in an identified area within the lease for reintroduction in the mine during mine reclamation and at the post mining state for habitat restoration.	<b>Not complied with</b> The custodian PP has informed that coal and OB production is going on thereby implying that final mine closure plan has not been prepared.
(xiii)	Corporate Environment Responsibility: a) The Company shall have a well laid down Environment Policy approved by the Board of Directors. b) The Environment Policy shall prescribe for standard operating process/procedures to bring into focus any infringements / deviation/ violation of the environmental or forest norms/conditions. c) The hierarchical system or Administrative Order of the company to deal with environmental issues and for ensuring compliance with the environmental clearance conditions shall be furnished. d) To have proper checks and balances, the company shall have a well laid down system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the company and/or shareholders or stakeholders at large.	<b>Being complied with</b> The both the PPs have reported the condition as complied with, However, supporting documents have not been made available to the Regional Office.
<b>B. General conditions:</b>		
(i)	No change in mining technology and scope of working shall be made without prior approval of the Ministry of environment and	<b>Being complied with</b> The pp has agreed to consent with this condition
(ii)	No change in the calendar plan including excavation, quantum of mineral coal and waste shall be made.	<b>Being complied with</b> The pp has agreed to consent with this condition
(iii)	Four ambient air quality monitoring stations shall be established in the core zone as well as in the buffer zone for monitoring PM10, PM2.5, SO2 and NOx, -Location of the stations shall be decided based on the meteorological data, topographical features and environmentally and ecologically	<b>Being complied with</b> It was observed that 8 ambient air quality monitoring stations have been established (4 in core zone and 4 in the buffer zone) based on the meteorological data and topographical features and the data is being submitted regularly to CECB and also

	<p>sensitive targets in consultation with the State Pollution Control Board. Monitoring of heavy metals such as Hg, As, Ni, Cd, Cr, in PM10 and PM2.5 etc. shall be carried out at least once in a year.</p>	<p>to MoEF&amp;CC, Bhopal.  <b>Updated details of the data have not been submitted.</b>  <b>The representative from a local NGO has informed that set norms for setting up of</b> the air quality monitoring stations in buffer zone have not been followed. It was informed that stations, in the buffer zone (village), have been set up in closed enclosure (inside a house/room) instead of setting them up in open area in buffer zone at an elevated height of at least 1 meter. It is also reported by the locals that stations are set up on temporary basis and data recorded does not reflect the value of PM 2.5 mg. However, the detail of the original PP as contained in their compliance report submitted in the year 2015 contains data corresponding to PM 2.5 mg which shows their concentration in the atmosphere within the permissible limits. Further, there is no recent data made available by the PP for monitoring of air quality.</p>
(iv)	<p>Data on ambient air quality (PM10, PM2.5, SO2 and NOx and heavy metals such as Hg, As, Ni, Cr, etc) and other monitoring data shall be regularly submitted to the Ministry including its Regional Office at Bhopal and to the State Pollution Control Board and the Central Pollution Control Board once in six months. Random verification of samples through analysis from independent laboratories recognised under the EP Rules, 1986 shall be furnished as part of the compliance report.</p>	<p><b>Partially complied with</b>  It is reported that data is being submitted regularly to CECB and also to MoEF&amp;CC, Regional Office. However, from the examination of the compliance report it is observed that no data has been made available to the Regional Office after June, 2015.</p>
(v)	<p>Fugitive dust emissions (PM10, PM2.5, and heavy metals such as Hg, Pb, Cr, As, etc) from all the sources shall be controlled regularly monitored and data recorded properly. Water spraying arrangement on haul roads, wagon loading, dump trucks (loading and unloading) points shall be provided and properly maintained.</p>	<p><b>Partially complied with</b>  The fugitive dust emissions are controlled by water spraying on haul roads. However, fugitive emission in the lease is observed to be considerable for want of adequate preventive measures. Water sprinklers, stated to be employed for the purpose, is inadequate as the other linked measures, such as mechanical sweepers, proper drainage of the road, concreting/ blacktopping of internal roads have not been complied with by the PP.</p>
(vi)	<p>Adequate measures shall be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in blasting and drilling operations, operation of HEMM, etc shall be provided with ear plugs/muffs.</p>	<p><b>Being complied with</b>  It was informed that workers engaged in blasting and drilling operations are provided with ear muffs/plugs. Delays, Relays, NONEL etc are used to control noise levels</p>
(vii)	<p>Industrial wastewater (workshop and wastewater from the mine) shall be properly collected, treated so as to conform to the standards prescribed</p>	<p>The PP has not yet installed the coal washery in the mine area. However, CHP of the original allottee in the area outside the lease, where all the</p>

	under GSR 422 (E) dated rs" May 1993 and 31st December 1993 or as amended from time to time before discharge. Oil and grease trap shall be installed before discharge of workshop effluents	activities related to the CHP are being performed by the PP.
(viii)	Vehicular emissions shall be kept under control and regularly monitored.	<b>Not complied with</b> The custodian PP has reported that condition will be complied with. No detail pertaining to the data on vehicular emission in the mining area of the PP has been provided.
(ix)	Environmental laboratory shall be established with adequate number and type of pollution monitoring and analysis equipment in consultation with the State Pollution Control Board.	<b>Being complied with</b> It is informed that CMPDIL environment laboratory has been hired from M/s SECL
(x)	Personnel working in dusty areas shall wear protective respiratory devices and they shall also be provided with adequate training and information on safety and health aspects. Occupational health surveillance programme of the workers shall be undertaken periodically to observe any contractions due to exposure to dust and to take corrective measures, if needed.	<b>Being complied with</b> It was observed that dust mask, have been provided to persons engaged in dusty area. Occupational health surveillance programme undertaken periodically to observe any contractions due to exposure to dust and to take corrective measures.
(xi)	A separate environmental management cell with suitable qualified personnel shall be set up under the control of a Senior Executive, who will report directly to the Head of the Company.	<b>Not complied with</b> A separate environmental management cell is not set up
(xii)	The funds earmarked for environmental protection measures shall be kept in separate account and shall not be diverted for other purpose. Year-wise expenditure shall be reported to this Ministry and its Regional Office at Bhopal.	<b>Not complied with</b> The PP has not submitted year-wise expenditure details.
(xiii)	The Regional Office of this Ministry located at Bhopal shall monitor compliance of the stipulated conditions. The Project authorities shall extend full cooperation to the office(s) of the Regional Office by furnishing the requisite detail information/monitoring reports.	<b>Being complied with</b>
(xiv)	A copy of the will be marked to concerned Panchayat/ local NGO, if any, from whom any suggestion /representation has been received while processing the proposal.	<b>Being complied with</b> A copy of the EC letter has been already marked to concerned panchayat and a local NGO.
(xv)	State Pollution Control Board shall display a copy of the clearance letter at the Regional Office, District Industry Centre and Collector's Office / Tahsildar's Office for 30 days.	<b>Being complied with</b> Pertains to CECB.
(xvi)	The Project authorities shall advertise at least in two local newspapers widely circulated around the project, one of which shall be in the vernacular language of the locality concerned within seven days of the	<b>Being complied with</b> It is informed that the previous allottee have published in two local newspapers.

	clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution control Board and may also be seen at the website of the ministry of Environment & Forests at <a href="http://envfor.nic.in">http://envfor.nic.in</a> . The compliance status shall also be uploaded by the project authorities in their website and regularly updated at least once in six months so as to bring the same in the public domain. The data shall also be displayed at the entrance of the project premises and mines office and in corporate office.	
(xvii)	The Ministry or any other competent authority may stipulate any further condition for environmental protection.	The PP has agreed to consent with this condition
(xviii)	Failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract the provisions of the Environment (Protection) Act, 1986.	The PP has agreed to consent with this condition
(xix)	The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and Rules. The proponent shall ensure to undertake and provide for the costs incurred for taking up remedial measures in case of soil contamination, contamination of groundwater and surface water, and occupational and other diseases due to the mining operations.	The PP has agreed to consent with this condition

**From the above following is observed:**

1. **Conditions being complied with by the PP:**  
Specific Conditions no. (i), (ii), (xvii), (xxxvii), (xiii)  
General conditions no: (i), (ii), (iii), (vi), (ix), (x), (xiii) to (xvi).
2. **Conditions being partially complied with by the PP:**  
Specific condition; (viii), (ix), (x), (xi), (xviii), (xxv), (xxxii), (xxxv), (xxxvi), (xi) General conditions: (iv), (v)
3. **Conditions not complied with by the PP Specific condition: (iii) to (vii), (xii), (xix), (xxiii), (xxiv), (xxvi), (xxix), (xxx), (xxxii), (xxxiv), (xxxviii) General condition: (viii), (xi), (xii)."**

18. As already mentioned, further report dated 18.12.2017 was filed in pursuance of order of this Tribunal dated 18.04.2017 reiterating the above findings and the said report was duly accepted vide orders dated 31.07.2018 and 14.02.2019.

19. We now deal with the objections of Respondent No. 4 (JPL) to the report dated 14.06.2019. First objection is that this Tribunal cannot go into the matter in view of judgment of the Hon'ble Supreme Court dated 24.09.2014 reported in *(2014) 9 SCC 614* dealing with the validity of allocation of coal blocks and payment of compensation for illegal mining. Further objection is that the matter is being dealt with by the Collector of the area under Section 21(5) of the Mines and Minerals (Development and Regulation) Act 1957 (MMDR Act). On merits, it is stated that there was no requirement for black topping of roads as black topping on internal roads is not advisable. Black topping of all approach roads was carried out which is shown by the work order and the earlier reply of the MoEF&CC which mentions that compliance has taken place. Respondent No. 4 has submitted photographs in support of claim that black topping of all approach roads was done. They have also submitted photographs of internal roads which have been properly maintained to prevent air pollution without doing black topping. It is submitted that these roads are haulage roads which are temporary in nature and are brought under excavation of minerals in due course. Only if these are permanent internal roads these need to be black topped as per condition in the E.C. With regard to excess mining, it is stated that the same is a question of fact to be verified after following due process, including giving of hearing to the affected party. The observations and findings of the Committee are based on non-application of mind. The Respondent No. 4 stopped mining after 31.03.2015 and the Committee now appointed has no means to verify the alleged violations which took place prior to 31.03.2015. Respondent No. 4

duly deposited NPV and planted five lakh trees and any further compensation would amount to dual compensation for the same issue.

20. We do not find any merit in the objections. The judgment of the Hon'ble Supreme Court was only concerned with the legality of allotment of coal blocks and not compliance of environmental norms and binding EC conditions, in the course of executing the lease for mining and damage to the environment. The deposit of compensation in pursuance of judgment of the Hon'ble Supreme Court or deposit of NPV and compensatory afforestation are different issues. The compensation assessed by the Committee is for violations of environmental norms and EC conditions (including failure to develop green belt as required) which cannot be said to be covered by the amounts earlier paid by Respondent No. 4. As already held by this Tribunal vide order dated 18.04.2017, JPL is liable for damage to the environment and public health by illegalities in mining in violation of environmental norms and EC conditions. There is no occasion to go behind the order dated 18.04.2017 which has already attained finality. Compensation which may have been paid by taking advantage of illegal allocation of coal blocks does not cover the illegal damage caused to the environment and public health. The Committee has meticulously gone into the questions based on earlier reports which have become final and were submitted after visiting the site on 23.12.2016. The general affidavit filed by the MoEF&CC that JPL was liable to comply with the EC conditions or had complied with the same cannot be taken as conclusive in view of report of the MoEF&CC, Nagpur itself based on site inspection dated

23.12.2016 in pursuance of order of this Tribunal. Moreover, non-compliance of EC conditions has been duly established on the ground. Claim for compliance based only on black topping of internal roads cannot be treated as compliance of EC conditions. EC conditions do not make any distinction as is now sought to be made. The fact remains that absence of black topping did result in violation of environmental norms on the ground adversely affecting public health and the crops in the area. The work order or the photographs cannot be treated as compliance when violation of EC conditions relating to black topping was duly found on inspection in the year 2016 itself. Similar is the position with regard to the non-development of the green belt.

Plea that there is substantial compliance of condition of green belt at certain places and also on account of planting of trees cannot be accepted. Absence of green belt as per EC conditions has been duly found at the time of site inspection. The said finding has already become final. It has also been found that violation of EC condition in this regard has resulted in damage to the environment.

Mere denial that there was no discharge of effluents cannot be enough when admittedly the mining covered coal washing which is inherently polluting activity. There is thus sufficient justification for the finding of damage to the eco-system.

Mere pendency of proceedings before the Collector on the subject of excessive mining cannot be a ground for this Tribunal not going into the issue under Section 15 of the NGT Act, 2010. The matter has already been considered for the last five years and

fair opportunity has been given to all the parties. There are consistent reports, including the reports already accepted.

Accordingly, all the objections to the report dated 14.06.2019 are rejected. The report is accepted on the subject of assessment of compensation. Other suggestions will be subject to the direction that the amount assessed may be deposited by JPL and SECL with the CPCB within one month from today. The Chhattisgarh Environment Conservation Board (CECB) may prepare an action plan for utilizing the amount for environmental remediation and restoration of the area. The same may be examined by the Committee comprising Regional Office MoEF&CC, Nagpur; CPCB; District Collector, Raigarh; Indian Institute of Forest Management, Bhopal and Indian School of Mines, Dhanbad. The Regional Office MoEF&CC, Nagpur and CPCB will be the nodal agencies for its compliance. CECB may assist the Committee.

District Collector, Raigarh may prepare and implement R&R plan for the residents of surrounding villages. The cost may be charged to District Mineral Fund.

SECL may submit and implement time bound action plan (not more than 1 year) with pert chart for consideration of black top road (5.84 km) and development of green belt of 125 m width around the lease boundary. The State may oversee its implementation through District Collector, Raigarh.

SECL may provide adequate health facilities to villagers affected by coal mining in accordance with Tribunal's order dated

14.02.2019. The District Collector, Raigarh may oversee its implementation.

SECL may create artificial barriers of sufficient height within three months to minimize the impact of air pollution. The CECB may oversee its implementation.

CECB may install 12 CAAQMS instruments (03 in mining areas, 01 in affected villages and 08 in non-attainment cities with 07 years of operation and maintenance warranty with its connectivity to CPCB/CECB from consent funds of State Board.

The applicants are at liberty to give their suggestions, if any, to the CECB/Committee.

21. A further compliance report may be filed by the Committee before the next date by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in).

A copy of this order be sent to JPL, SECL, MoEF&CC, Nagpur, CPCB, District Collector, Raigarh, Indian Institute of Forest Management, Bhopal, Indian School of Mines, Dhanbad and CECB by e-mail.

List again on 21.07.2020.

Adarsh Kumar Goel, CP

Dr. Nagin Nanda, EM

Siddhanta Das, EM

March 20, 2020  
Original Application No. 200/2018

DV

