

SEVENTH REPORT

OF

COMMITTEE

APPOINTED BY

HON'BLE NATIONAL GREEN TRIBUNAL

CONSISTING OF

JUSTICE B. D. AGARWAL

**FORMER JUDGE, GAUHATI HIGH COURT, GUWAHATI
CHAIRMAN**

PROF. S. C. BHOWMIK

**REPRESENTATIVE OF INDIAN SCHOOL OF MINES, DHANBAD
IIT (ISM), DHANBAD
MEMBER**

DR. SHANTANU KUMAR DUTTA, SCIENTIST 'D'

**REPRESENTATIVE OF CENTRAL POLLUTION CONTROL BOARD
MEMBER**

Submitted to

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

On 30.04.2020

CONTENTS

	Title of the Chapter	Page
1	Introduction and brief background of the matter	1
2	Brief review of the relevant orders of the Hon'ble National Green Tribunal and the Hon'ble Supreme Court.	8
3	Brief review of the reports filed by the Committee before the Hon'ble National Green Tribunal	15
4	Progress achieved by the Committee after filing of the report dated 03.12.2019	31

Introduction and background

The genesis of the constitution of this Committee, which has been duly appointed by the Hon'ble National Green Tribunal, is traceable to the initiation of the proceedings before the Bench of the Hon'ble Gauhati High Court at Shillong on the basis of news item reports to the effect that on 06.07.2012 thirty coal labourers were trapped inside a coal mine at Nongalbibra in South Garo Hills District of Meghalaya. Fifteen of them died inside the coal mine. According to the news item, the incident happened on account of lack of safety norms. Vide order dated 10.12.2012 in PIL (Suo moto) No. (SH) 3 of 2012



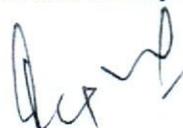
the matter was directed by the Hon'ble High Court to be transferred to the Hon'ble National Green Tribunal.

The transferred matter was registered as Original Application No. 110(THC)/2012. Simultaneously All Dimasa Students Union, Hasao District Committee filed an Original Application No.73 of 2014 before National Green Tribunal Principal Bench making serious complaints with regard to rat-hole mining operation in the State of Meghalaya. Eversince, these connected matters are being dealt by the Hon'ble National Green Tribunal till date by way of issuance of several orders from time to time.

On 17.01.2014 the Hon'ble National Green Tribunal passed Interim directions banning rat-hole mining in the State of Meghalaya and placing moratorium on illegal transfer of coal.

The Hon'ble National Green Tribunal vide order dated 25.03.2015 in O.A No.73 of 2014 directed creation of Meghalaya Environment Protection and Restoration Fund (MEPR Fund) which was directed to be collected by the State Government at the rate of 10 percent of the market value of the coal per metric ton from each person. This fund was directed to be used for restoration of environment damaged on account of illegal coal mining in the State and also for other necessary remedial and preventive measures with regard to the damaged environment in the State. In the same judgement the Hon'ble Tribunal also directed collection of royalty in respect of already extracted coal and permitted its transport within a defined timeframe in accordance with the guidelines in this regard approved by the Hon'ble Tribunal and also orders passed by the Tribunal on the matter from time to time.

By order dated 31.03.2016 the Hon'ble Tribunal refused to further extend the time for transportation of coal and directed that the remaining coal which could not be transported shall vest in the State. Aggrieved by the order of the Hon'ble NGT dated 31.03.2016, Ka Hima Nongstoin Land Owner, Coal Traders and Producers Association filed Civil Appeal No. 4739 of 2016 before the Hon'ble Supreme Court, which was disposed of by the Apex Court granting liberty to the appellant to file application before the National Green Tribunal for appropriate relief. Pursuant to the liberty granted by the



Hon'ble Supreme Court M.A. No. 427 of 2016 was filed before the Hon'ble NGT. By order dated 10.05.2016 applications, M.A. Nos. 400 and 421 of 2016 were dismissed by the Hon'ble Tribunal. By the same order the State of Meghalaya was directed by the Hon'ble Tribunal to place on record the exact current quantity of coal and value thereof including the status of coal lying and mined anywhere in the State of Meghalaya as on 01.04.2015 and exact quantity of coal lying as on 16.05.2016. The State was also directed to submit its proposal as to how the State shall deal with the coal that is vested in the State primarily for the reason that entire coal is illegally extracted coal. Against the orders of 10.05.2016 of the Hon'ble National Green Tribunal, appeal was filed by Hima Nongstoin Land Owner, Coal traders and Producers Association in the Apex Court whereupon the Hon'ble Supreme Court vide order dated 20.09.2016 permitted transport of the already extracted coal from 1st October till 31st may 2017 while simultaneously directing that no other extraction of coal shall take place in the meantime. Thereafter, the Hon'ble Supreme Court extended the time for transportation of already extracted of coal till 31.05.2018 and again made it clear that no other extraction of coal shall take place in the meantime. While the matter stood thus before the Apex Court, the Hon'ble National Green Tribunal in O.A No.110/(THC)/2012 and O.A No. 73/2014 passed a very significant order on 31.08.2018 virtually laying a milestone in the matter of restoration of environment damaged on account of rat hole coal mining in Meghalaya inasmuch as a Committee was directed to be constituted exclusively to oversee the restoration of degraded Environment in Meghalaya under the Chairmanship of Justice B.P. Katakey, Former Judge of the Gauhati High Court. The relevant portion of the order (at para 15 - 28) being very significant in nature is extracted below:-

“ 15. The committee will take the following steps:-

- Take stock of all actions taken so far in this regard.*
- Prepare time bound actions plan to deal with the issue and ensure its implementation.*

16. The Committee may requisition services of such technical experts as may be necessary and may also carry out visits to sites wherever



necessary. They will be entitled to all logistic support for performing these functions which shall be provided under the directions of the Chief Secretary, Meghalaya.

17. The Committee may also set up website for receiving and giving information on subject.

18. The Committee may also involve educational institutions for awareness and feedback about results.

19. All authorities concerned in the State of Meghalaya shall cooperate and coordinate with the Committee. The Committee can seek such technical assistance as may be required from any relevant authority.

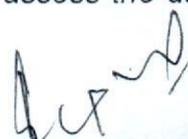
20. The Chief Secretary, Meghalaya to provide all facilities to said Committee to perform its functions. The Committee may send its periodical reports to the Tribunal by e-mail at filing.ngt@gmail.com.

21. The Committee may assume its charge within two weeks from today. The Committee may prepare Action Plan which shall have targets of ensuring compliance. It may meet at such intervals as considered appropriate but twice in every month and fix targets for compliance.

22. The Committee will be free to take up all incidental issues. The Committee will be free to seek any further directions from this Tribunal by e-mail.

23. The Chief Secretary of the State of Meghalaya may determine remuneration of the Chairman in consultation with him and the Chief Secretary of the State of Meghalaya will also provide all logistic support including security if needed for their proper functioning.

25. The Committee will be entitled to take the help of the technical experts in execution of this order. The Committee may frame its action plan for implementation within one month from today and implementation may be completed within six months as far as possible. The timelines may be laid down. A copy of the action plan may be sent to this Tribunal by e-mail at filing.ngt@gmail.com. Thereafter, reports may be sent at least once in two months. The Committee may also assess the damage to the



environment as well as to the individuals as already suggested in the Report.

27. The State of Meghalaya will make available all the relevant records to the Committee for the purpose. The State will also determine the remuneration to be paid to the Chairman of the Committee in consultation with him within one month from today.

28. The Committee will be at liberty to take technical assistance from any quarter which may be facilitated by the State of Meghalaya. The Committee may also supervise any issue arising out of receivership/custodianship of the already extracted coal, including any environmental issues which may arise out of storage of the extracted material and the steps required to be taken for the purpose."

Thereafter several orders were passed by the Hon'ble National Green Tribunal from time to time e.g. 04.01.2019, 11.04.2019 and 22.08.2019, which are various orders of the Hon'ble National Green Tribunal on reports received from this Committee. All these orders have had substantial impact on implementation of earlier orders of the Hon'ble Tribunal apart from ensuring that this Committee functions smoothly without encountering any hindrance from any quarter whatsoever. These orders have also impacted substantial prevention of illegal mining of coal in Meghalaya and also using such illegally extracted coal by various industries and other entities in the State. The orders of the Hon'ble Tribunal have also helped greatly acceleration of the restoration of environment which has been adversely affected hitherto on account of illegal mining of coal in the State.

In the meanwhile, the Civil Appeals filed by various parties in the Hon'ble Supreme Court against various orders of the Hon'ble National Green Tribunal, as already mentioned above, were disposed of by the Hon'ble Supreme Court through a common judgment dated 03.07.2019 in the matter of *State of Meghalaya Vrs All Dimasa Student Union Dima-Hasao District Committee* and all other connected appeals. The Apex Court in para 187 of their judgment observed as below regarding the functioning of the Hon'ble NGT appointed Committee:



187. The Katakey Committee and its various members and participants have done a commendable job in studying and examining various aspects of environment in the State of Meghalaya and several valuable suggestions have been given by the Committee, which are also being implemented to mitigate the suffering of the citizens consequent to the illegal coal mined."

The Hon'ble Supreme Court also issued certain directions to the Committee in the aforesaid judgment at para 188-190, which are extracted below:

"188. We direct that Commissioner and Secretary of the State in the Department of Mining and Geology alongwith the officers of Coal India Ltd. may deliberate with the Katakey committee to finalize a comprehensive plan for transportation and handing over of the coal to Coal India Ltd. for disposal/auction as per rules of Coal India Ltd. Disposal/auction by Coal India Ltd. shall be beneficial to both the owners of the mines as well as to the State of Meghalaya. Receiving fair value of the coal should be a concern of both the owners and State. It is for the Coal India Ltd. to decide as to venue, where they shall receive the coal, i.e., either at any of its depot or any other place in State of Meghalaya and it is for the Coal India Ltd. to finalize the process of disposal and auction of the coal. It goes without saying that it shall be the duty of the State of Meghalaya and its officers especially Deputy Commissioner of the area concerned to enter details of quantity of the coal, name of the owner and place from where it is collected. Coal India Ltd. shall also take steps to ensure weighment of the coal when it is received by it and since all consequent steps regarding disposal, price grade of the coal shall be determined as per the weight of the coal received by the Coal India Ltd. from different places. The expenses of transportation shall be borne by the State of Meghalaya, Coal India Ltd. or by both, which expenses shall be deductible from the price received of the coal. The State of Meghalaya shall be entitled to royalty and payment towards MERP Fund as well as



taxes out of the price of the coal. After deduction of cost of transportation, the payment of royalty and payment to MERP fund and taxes plus 10% of value of the coal to be given to Coal India Ltd. for the above exercise, balance amount shall be disbursed to the owner of the coal towards its price, which disbursement shall be the responsibility of the State. The Coal India Ltd. after taking its expenses for transportation with 10% of price of the coal shall remit the entire amount to the State and it is for the State after deducting the royalty and payment to the MERP Fund and taxes to pay back the balance of the amount to the owner.

189. Another aspect of the matter is also to be noticed. The coal, which has been seized by the State in illegal transportation or illegal mining for which different cases have been registered by the State, is not to be dealt with as directed above. The said seized coal shall be dealt by the State in accordance with Section 21 of the Act, 1957 and on being satisfied, the State can take a decision to recover the entire quantity of coal so illegally raised without lawful authority and the said cases has to be separately dealt with in accordance with law.

190. We, thus are of the view that all I.A.s filed by different applicants seeking order of transportation of the different quantities stand disposed of in view of the directions as given above. Let the Katakey committee in consultation with the State of Meghalaya and officers of Coal India Ltd. finalise appropriate mode and manner to affect the transport and disposal of the coal in the above manner.”

In the aforementioned order the Hon'ble Supreme Court upheld the ban placed by the Hon'ble National Green Tribunal on rat-hole coal mining in the State of Meghalaya although mining of coal in accordance with MMDR Act was permitted. The latter direction finds mention in para 191(13) which is extracted below:-

“13). In event the mining is carried out by a mining lease holder as per the provisions of Act, 1957 and Rules, 1960 with an approved mining plan



there can be no objections in carrying of such mining operations under the regulation and control of the State of Meghalaya. We clarify that in event mining operations are undertaken in privately owned/community owned land in Hills Districts of Meghalaya in accordance with mining lease with approved mining plan as per Act, 1957 and Mineral Concessions Rule, 1960, the ban order dated 17.04.2014 of the tribunal of the NGT shall not come in way of carrying mining operations."

In implementation of the aforesaid order of the Hon'ble Supreme Court to the Committee in the matter of preparation of modalities for auction and transport of the extracted coal the Committee held several deliberations with the relevant Government Department/Officials and Coal India Limited for preparation of a comprehensive plan for auction and transportation of coal through holding special sittings. In the meanwhile, the Hon'ble National Green Tribunal passed a further order on 17.01.2020 permitting Justice B.P. Katakey to be relieved of the duties of Chairman of the Committee and appointing Justice B.D. Agarwal, Former Judge, Gauhati High Court and Judicial Member, Manipur Lokayukta as Chairman of the Committee.

This is how these matters arising out of several orders of the Hon'ble National Green Tribunal and Apex Court are being dealt with by the Committee currently which is presently headed by Justice B.D Agarwal who has tendered his resignation from the post of Member of Manipur Lokayukta.

CHAPTER II

BRIEF REVIEW OF RELEVANT ORDERS PASSED BY THE HON'BLE NATIONAL GREEN TRIBUNAL AND THE HON'BLE SUPREME COURT

The Shillong Bench of the Hon'ble Gauhati High Court, based on the news item published to the effect that on 06.07.2012 thirty labourers were trapped inside the coal mine at Nongalbibra in the district of South Garo Hills and fifteen of them died inside the coal mine, initiated a suo moto proceeding, registered and numbered as PIL(Suo



Moto)No.3(SH)/2012. The said proceeding was transferred to the Hon'ble National Green Tribunal (in short, 'NGT') vide order dated 10.12.2012, which was registered as Original Application No.110 (THC)/2012. Few other Original Applications were also filed relating to the coal mining activities in the State of Meghalaya.

The Hon'ble NGT vide order dated 17.04.2014 issued an *interim* direction stopping the rat hole mining/illegal mining throughout the State of Meghalaya. The illegal transportation of coal was also stopped by the Hon'ble NGT by the said order. Vide order dated 31.08.2018, while directing that ban of the rat whole mining and ban on transportation of already mined coal in the State of Meghalaya shall continue subject to the further orders of the Hon'ble Supreme Court, the Hon'ble NGT constituted an independent Committee headed by Justice Brojendra Prasad Katakey, Former Judge of the Gauhati High Court with two members from Central Pollution Control Board and Indian School of Mines, Dhanbad respectively to be nominated by those organizations, with the mandate to take stock of all actions taken so far with regard to rat hole coal mining and to prepare time bound action plan to deal with the issue relating to restoration of the environment and rehabilitation of victims. The independent Committee (in short, "the Committee") was also allowed to take up all incidental issues including supervision of any issue arising out of receivership/custodianship of already extracted coal, and any environmental issues, which may arise out of storage of the extracted materials and the steps required to be taken for the purpose. The Committee was also allowed to take help of the technical expert in execution of the order dated 31.08.2018 passed by the Hon'ble NGT and to involve educational institutions for awareness and feedback about the result of the action taken. The implementation of the action plan, to be framed by the Committee, was directed to be completed within six months, as far as possible. The relevant portion of this order has been discussed elaborately in the previous chapter and extracts of the order have been reproduced therein.

For the sake of brevity and easy reference the directions issued by the Hon'ble NGT in the order dated 31.08.2018 are summarized as follows:

- (i) The ban on rat hole mining in the state of Meghalaya will continue.



(ii) The ban on transportation of already mined materials will also continue.

(iii) The State of Meghalaya will be the receiver/custodian of the available extracted coal as on 31.08.2018, subject to the further orders of the Hon'ble NGT.

(iv) The Secretary of Mining, Government of Meghalaya, at the first instance, shall prepare separate inventory, of un-inventorised coal and if it is found that the extraction was illegal, royalty in terms of the orders already passed, shall be collected. This should be done keeping in mind that there is allegation of availability of further coal as a result of illegal mining. The determination made by the Secretary, Mining, Government of Meghalaya shall be cross checked by the Joint Team of Representatives of Central Pollution Control Board and the Indian School of Mines, Dhanbad.

(v) The Committee shall take stock of all actions taken so far for restoration of the environment and rehabilitation of the victims, for which funds are available.

(vi) The Committee shall prepare a time bound action plan, within a month and secure implementation of the same, as far as possible, within six months. The Committee may also involve educational institutions for awareness and feedback about the results and also be free to take up incidental issues and to seek any further direction from the Hon'ble NGT. The Committee shall be entitled to take help of technical experts in execution of the order dated 31.08.2018. The Committee is allowed to assess the damage to the environment as well as to the individuals affected by rat hole coal mining.

(vii) The committee may also supervise any issue arising out of receiving/custodianship of already extracted coal, including any environmental issues, which may arise out of storage of the extracted material and the steps required to be taken for the purpose.

(viii) The committee shall send reports to the Hon'ble NGT at least once in two months.

The Hon'ble NGT in the said order dated 31.08.2018 has recorded availability of Rs.410 Crores credited in Meghalaya Environment, Protection & Restoration Fund



(MEPR Fund) as on 31.05.2018 and deposit of the same in a separate account. The Hon'ble National Green Tribunal, vide order dated 22.10.2018, on clarification sought by the Committee vide its proceeding No.3 dated 01.10.2018, clarified that the MEPR Fund cannot be used to meet the expenses required for the meeting, visits, surveys etc. and it is the responsibility of the State Meghalaya to undertake all such steps apart from the violators the State of Meghalaya is also covered by the principle of "Polluter pays" because the State has the responsibility to oversee protection of environment and the State has failed in its duty.

All the required logistics and other facilities for smooth functioning of the committee, including the remuneration and other incidental expenses, which may include secretarial assistance, travel etc. were directed to be taken care of by the respective State Pollution Control Boards vide the Hon'ble Tribunal's order dated 15.11.2018 which were passed in Execution Application No.32/2016 in Original Application No.295/2016(*Amresh Singh-Vs-Union of India & Ors*), and this order has been made applicable to all the Committees constituted by Hon'ble National Green Tribunal.

The Hon'ble Supreme Court in Civil Appeal Diary No.3067/2018 (*Lber Laloo –Vs- All Dimasa Students Union, Hasao District Committee & Ors*) and batch, based on the submission made by the learned counsel appearing for the State of Meghalaya that certain quantity of coal is left to be transported yet, vide order dated 04.12.2018 granted extension of time for transportation of coal up to 31.01.2019.

The Civil Appeals filed by various parties in the Hon'ble Supreme Court against various orders of the Hon'ble National Green Tribunal, as already mentioned earlier, were disposed of by the Hon'ble Supreme Court through a common judgment dated 03.07.2019 in the matter of *State of Meghalaya Vrs All Dimasa Student Union Dima-Hasao District Committee* and all other connected appeals. In this judgment the Hon'ble Supreme Court upheld the ban placed by the Hon'ble National Green Tribunal on rat-hole coal mining in the State of Meghalaya although mining of coal in accordance with MMDR Act was permitted. The latter direction finds mention in para 191(13) which is extracted below;-



“13). In event the mining is carried out by a mining lease holder as per the provisions of Act, 1957 and Rules, 1960 with an approved mining plan there can be no objections in carrying of such mining operations under the regulation and control of the State of Meghalaya. We clarify that in event mining operations are undertaken in privately owned/community owned land in Hills Districts of Meghalaya in accordance with mining lease with approved mining plan as per Act, 1957 and Mineral Concessions Rule, 1960, the ban order dated 17.04.2014 of the tribunal of the NGT shall not come in way of carrying mining operations.”

The Apex Court in this order also upheld the direction of Hon'ble National Green Tribunal constituting this Committee at para 191(17-18) which is extracted below:-

“17) NGT by directing for constitution of committee has not delegated essential judicial functions. The Tribunal had kept complete control on all steps which were required to be taken by the committees and has issued directions from time to time. The State is always at liberty to obtain appropriate directions if aggrieved by any act of the committee. The matter being pending before the Tribunal all acts of the committee are under direct control of the Tribunal and if the committee oversteps in any direction the same can very well be corrected by the Tribunal on the matter being brought before it.

18) NGT by issuing direction to constitute the committee for transportation of the extracting mineral, for preparing time bound action plan to deal with the restoration of environment and to ensure its implementation does not in any manner interfere with the powers of the District or Regional Councils. The District and Regional Councils are free to exercise all their powers and committee constituted by the Tribunal is only concerned with the Environmental degradation and illegal coal mining. The committees report or direction of the Tribunal in no manner encroaches upon the administration of Tribal areas by the District and Regional Councils.



Other relevant orders passed by the Hon'ble Supreme Court in the matter including those pertaining to preparation of modalities for handing over coal to Coal India Ltd, transportation and auction of coal under the supervision of the Committee have already been alluded to in the previous Chapter.

The Hon'ble National Green Tribunal in O.A. No.110 (THC)/2012 vide their order dated 17.01.2020 issued several important directions at para 22-24 of the Judgment which have ameliorative effect on restoration of Environment in Meghalaya damaged on account of coal mining, prevention of illegal coal mining in the State, discouraging future use of coal mined illegally and also in the smooth functioning of this Committee. The aforesaid paras are extracted below being of paramount significance:

“Directions

22. Under the circumstances, while accepting all the recommendations of the Committee in its 04th Interim Report dated 31.08.2019, 05th Interim Report dated 02.12.2019 and 06th Interim Report dated 03.12.2019, we also accept the request of Justice B.P. Katakey, former Judge, Guwahati High Court to be relieved.

23. Without in any manner meaning to dilute the exhaustive recommendations of the Committee, the substance of the recommendations of the Committee can be summed up to include monitoring of illegal raising and transportation of coal by the Chief Secretary of the State; steps for punitive measures for illegal mining – filling up gaps in the regulatory regime; action for preventing, minimizing and mitigating environment pollution by acidic water from coal depots; electronic recording of movement of coal including by way of GPS and RFID Tags and having a central server for the purpose; inspection of wings of BSF and vigilance department; establishing and supervising check posts and weigh bridges; utilization of the compensation amount for legitimate purposes in terms of the recommendations in the report;



continuing Prof. A.K. Singh, nominee, IIT-ISM, Dhanbad as member of the Committee; monitoring of sourcing of illegally mined coal by cement manufacturing/thermal power plants for enforcement of mining law, including punitive and remedial actions for sourcing of illegally mined material, as found by the Committee; conducting necessary audit; study of land use and land cover analysis; drilling of bore holes in Khlihirt-Sutnga area in East Jaintia Hill District; preparation of geological report and feasibility report for scientific coal mining; compiling information about location of dumps of coal; finalizing mode and manner of handling of coal and its disposal including e-auction; transfer of coal to Coal India Limited; monitoring of illegal export of coal to Bangladesh by an independent agency; adopting satellite surveillance systems; action by the State PCB for enforcement of environmental norms; verification of claims of victims and disbursement of payments to them in the manner suggested by the Committee; implementing action plan prepared by the Committee by the State PCB etc. Compliance of all the recommendations may need to be closely monitored by the Committee.

24. On suggestion of State of Meghalaya, we substitute Justice B.D. Agarwal, former Judge, Guwahati High Court as Chairman of the Committee. We are informed that Justice B.D. Agarwal is Judicial Member of Lokayukt of Manipur State but is willing to undertake the present assignment subject to the State of Manipur relieving him or otherwise permitting him to do so. The State of Manipur may consider this aspect in consultation with Justice B.D. Agarwal. Subject to there being no objection, Justice B.D. Agarwal may take up the assignment at the earliest. The committee may furnish its further action taken report after three months preferably by 30.04.2020 by e-mail at judicial-ngt@gov.in. A copy of this order be sent by e-mail to the Chief Secretary, Meghalaya, CPCB, State PCB, IIT-ISM, Dhanbad, who may also furnish a copy to



*Prof. A.K. Singh (Retired), Justice B.P. Katakey, Justice B.D. Agarwal,
former Judges of Guwahati High Court."*

CHAPTER- 3

BRIEF SUMMARY OF REPORTS SUBMITTED BY THE COMMITTEE BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

The Committee has so far submitted six reports before the Hon'ble NGT and the content of each of these reports is briefly summarized hereinafter.

First Interim Report

The Committee submitted its First Interim Report dated 31.12.2018 to the Hon'ble NGT on 02.01.2019. The said First Interim report contains findings of the Committee on the following questions framed by the Committee:-

- A. Whether coal mining activities, including extraction of coal and the transportation of the same, are going on despite the order passed by the Hon'ble NGT imposing ban on coal mining and transportation?
- B. Quantity of extracted coal as on the date on which the ban was imposed by the Hon'ble NGT and left to be transported?
- C. Quantity of un-inventoried coal which has been extracted before imposition of ban by the Hon'ble NGT?
- D. Whether coal mining activities as well as dumping of coal results in adverse environmental effect, if so, the nature and extent thereof?
- E. What are the steps required to be taken by the Committee for restoration of the environment and rehabilitation of victims of coal mining?
- F. The extent of execution of the Action Plan prepared by the Committee



Second Interim Report

The Committee submitted its Second Interim Report dated 30.03.2019 to the Hon'ble NGT. In the said Report, the Committee placed before the Hon'ble NGT the current status of the following issues:-

- (i) Availability and investment of amounts available in the MEPR Fund.
- (ii) Monitoring of quality of water in the rivers and streams of the areas affected by coal mining.
- (iii) Steps taken for neutralisation of Acid Mine Drainage (AMD) contaminated water in the rivers & streams of the areas affected by coal mining activities.
- (iv) Status of the ongoing water supply schemes in coal mining affected areas in East Jaintia Hills District, under the Public Health Engineering Department.
- (v) Seizure of cranes, trucks etc. involved in illegal mining or transportation and release of such vehicles and equipment.
- (vi) Skill Development Schemes
- (vii) Survey of health of the habitants of the areas affected by coal mining.
- (viii) Framing of Disaster Management Plan, both "on site" and "off site".
- (ix) Verification of un-inventorised coal.
- (x) Procurement of coal by the Cement Companies from the local market in the State of Meghalaya.
- (xi) Pilot Projects to be undertaken by CIMFR-CISR, Dhanbad
- (xii) Awareness Camps/Programme.
- (xiii) Applications for compensation to the next of kin of the persons who died during illegal mining and to the persons who suffered injuries during due to illegal coal mining.



(xiv) Preparation of geospatial database inputs for planning and restoration of areas affected by coal mining in the State of Meghalaya.

(xv) Coal mining activities including transpiration of coal.

The Committee in the said Report also recommended that the Hon'ble NGT may permit release of an amount of Rs.96.59 lakh for procurement of six vehicles mounted with Water Tankers to be used for supplying potable water to the villages in East Jaintia Hills district who are adversely affected by coal mining activities suffering acute dearth of potable water.

Third Interim Report

The Committee submitted its Third Interim Report dated 02.08.2019 to the Hon'ble NGT on 02.08.2019. In the said Report, the Committee placed before the Hon'ble NGT the current status of the following directions issued by the Hon'ble NGT in their order dated 11.04.2019:

(i) Release and utilisation of an amount of Rs.96.59 lakh from the MEPR Fund in favour of the Deputy Commissioner, East Jaintia Hills District for purchase of the six vehicles mounted with water tankers.

(ii) Installation of Digital Display Boards at the Headquarters of coal mining affected Districts and Sub-Divisions and display thereon quality of water in ten worst polluted rivers/streams in the District/Sub-Division.

(iii) Audit of the source of coal acquired by the power generation and cement plants in the State of Meghalaya.

(iv) Mechanism to be adopted for effective action against illegal transportation of coal such as electronic manifest system for regulating movement of vehicles and issuance of challan.



Fourth Interim Report

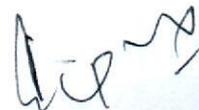
The fourth Interim Report was filed by the Committee before Hon'ble National Green Tribunal on 31st August 2019. Briefly stated, the said report summarizes the current status of various issues examined by the Committee after submission of the 2nd Interim Report, which are essentially as follows:-

- 1) Operationalization of regulatory regime to prevent and minimize environmental damage due to illegal coal mining
- 2) Filling up of gaps in existing regulatory regime to prevent and minimize environmental damage due to Illegal coal mining
- 3) Strengthening the regulatory regime to ensure transportation of coal in a transparent manner
- 4) Assessment of feasibility of scientific coal mining in Meghalaya.
- 5) Restoration of environment in areas affected by coal mining.
- 6) Resource (coal) audit of cement factories and power plants

In addition to the above issues the report also dealt with some miscellaneous matters viz, alleged irregularities in export of coal to Bangladesh, probable irregularities in disposal of seized coal, etc. Certain recommendations were also made for consideration of the Hon'ble National Green Tribunal.

Fifth Interim Report

The Fifth Interim Report was submitted on 2nd December 2019 by the Committee. The report concerns principally audit of the coal resource of Cement Industries and Thermal Power Plants in Meghalaya. After analyzing the information provided by the industries pertaining to their coal requirement, the report proceeded to deliberate whether there is any mismatch between the actual coal requirement of the Cement Manufacturing Plants and the Thermal Power Plants, and the coal admitted to have been procured by them and if so, the gap therein. The report also deliberated whether it is technically feasible to use slate in lieu of coal as claimed by these industries without making any modification



in the design of these plants. Thereafter, the report furnished the statutory levies payable by these industries which they might have avoided paying on account of having used coal illegally as resource material. It was calculated that on account of nine industries in Meghalaya, the sum payable to the State totaled to Rupees 614.123 crores. Thereafter, the report furnished certain recommendations for issuance of suitable directions by the Hon'ble Tribunal towards realization of these statutory levies payable by the industries to the State, conducting monthly review meetings by the Chief Secretary of the State of Meghalaya on utilization of raw materials by these industries and initiation of appropriate proceedings under law against those industries etc by the State Pollution Control Board.

Sixth Report

The 6th Report of the Committee was submitted to the Hon'ble National Green Tribunal on 03.12.2019 which dealt with certain objections filed by the State of Meghalaya before the Committee in relation to various directions issued by the Committee and also various other aspects pertaining to the functioning of the Committee. The report also detailed the current status of finalization of the mode and manner of handing over the extracted coal by Government of Meghalaya to the Coal India Limited for disposing through e-auction, transport of the coal etc. The report also dwelt on certain miscellaneous matters viz, alleged irregularities in export of coal to Bangladesh, perceived irregularities in disposal of coal seized by the Government of Meghalaya and status of payment of ex-gratia to victims of rat-hole coal mining. The report thereafter proceeded to summarize several recommendations which had already figured in the main text of the report for issuance of appropriate directions by the Hon'ble NGT which are extracted below:-

1. The State of Meghalaya shall, immediately, provide to the North Eastern Space Application Centre (NESAC), Department of Space, Government of India, Umiam, the location (latitude and longitude) and other details of each dump where coal to be auctioned is located. The NEASC, shall within one week from the date of receipt of these details prepare a geo-referenced map depicting the location of each of these dumps and provide a copy of the same to the Secretary



to the Government of Meghalaya, Mining and Geology Department and the Coal India limited for placing a copy thereof along with a list containing name and address of the owner and quantity of coal available at each such dump on their respective websites.

2. The Secretary to the Government of Meghalaya, Mining and Geology Department shall, immediately, place on website of the Department a copy of the additional affidavit containing details of 32,56,715 MT coal stated to be available at various depots filed before the Hon'ble Supreme Court on 10.04.2019 by the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department.

3. The North Eastern Space Application Centre (NESAC), Department of Space, Government of India, Umiam shall undertake land-use land-cover analysis of areas where coal to be handed over to the Coal India Limited is located by using high resolution satellite imageries for the following period:

(a) Immediately before the illegal rat-hole mining of coal was banned by this Tribunal by an order dated 17.04.2014;

(b) Immediately before the additional affidavit dated 10.04.2019 containing details of 32,56,715 MT coal stated to be available at various depots was filed before the Hon'ble Supreme Court by the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department;

(c) Once in the year 2015, 2016, 2017 and 2018, preferably in the month of April.

4. Based on the said land-use land-cover analysis, the NESAC shall divide the coal available at each of the depot where the 32,56,715 MT coal is stated to be available into three categories namely:

(a) The coal continuously existing at the depot since the ban on the illegal rat-hole mining was imposed by this Tribunal on 17.04.2014;



(b) The coal dumped at the depot after the filing of additional affidavit before the Hon'ble Supreme Court on 10.04.2019;

(c) The coal dumped at the depot on any day between 17.04.2014 and 10.04.2019.

5. The finalization of the mode and manner for handing over of the coal to the Coal India Limited and the disposal of the coal by the Coal India Limited through e-auction shall not wait completion of the afore-mentioned study by the NESAC. The amount released from sale of such coal will however not be disbursed to the respective owner till the said study in respect of such coal is completed by the NESAC.

6. The amount released from auction of the coal shall be disbursed in the following manner:

(a) The State of Meghalaya shall exercise the powers vested on it under subsection (5) of section 21 of the Mines and Mineral (Development and Regulation) Act, 1957 and recover the amounts released from the auction of the coal which was dumped at the depot after 10.04.2019 and transfer all such amounts along with taxes/royalty/levies realized thereon to the Consolidated Fund of the State of Meghalaya. Contribution to the MEPR Fund, the sum realized from sale of such coal shall be transferred to the MEPR Fund.

(b) Amounts realized from the sale of the coal which is continuously available in at the Depot shall be transferred to the respective owner. Taxes/royalty/levies released on such coal shall be transferred to the Consolidated Fund of the State of Meghalaya. Contribution to the MEPR Fund, the sum realized from sale of such coal shall be transferred to the MEPR Fund.

(c) Details of all such coal which was dumped at a depot between 17.04.2014 and 10.04.2019 shall be placed before the Hon'ble Supreme



Court. Disbursal of amounts realized from the sale/auction of such coal shall be done in the manner the Hon'ble Supreme Court may stipulate.

7. The State of Meghalaya and the Coal India Limited shall provide all the information and documents sought by the Katakey Committee for finalization of mode and manner of handing over of the coal available at various Depots to the Coal India Limited. The Committee shall finalize the mode and manner for handing over of the coal available at various depots to the Coal India Limited strictly in conformity with the directions issued by the Hon'ble Supreme Court. The State of Meghalaya and the Coal India Limited shall abide by the mode and manners finalized by the said Committee.

8. To resolve disputes involving adulteration of coal quality in a lot between the day it is notified for auction and the day on which entire coal available in such lot is lifted by the successful bidder the collection and maintenance of reference samples by the Coal India Limited in the manner and for a period provided for collection and maintenance of such samples in the normal process of disposal of coal through e-auction by the Coal India Limited shall be an integral component of the mode and manners for handing over of the coal to the Coal India Limited.

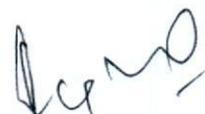
9. The mode and manner for handing over of the coal to the Coal India Limited shall contain time-lines for each step involved in handing over of the assessed coal to the CIL and its subsequent auction by the CIL.

10. Nature of records to be maintained and the authorities responsible to maintain each such record shall be specified in the mode and manner for handing over of the coal to the Coal India Limited.

11. Number of officers of different ranks to be deployed by the Coal India Limited to plan, execute and monitor disposal of the coal through e-auction shall be specified in the mode and manner to be finalized by the Katakey Committee.



12. Reserve Price of the coal to be auctioned shall be fixed by the Coal India Limited as per its existing rules and policies for disposal of the coal through e-auction.
13. The Coal India Limited, the State of Meghalaya, the owner of the coal and their officers/employees shall be responsible for their respective acts of omission and commission in any dispute which may arise relating to quality and quantity of the coal stated to be available at various depots.
14. The mode of manner for handing over of the coal to the Coal India Limited shall provide for a legally tenable and practically feasible dispute resolution framework.
15. The State of Meghalaya shall install and make fully functional, within a month, a system involving establishment of a centralized server, uploading of transport permit/challan and tracking of coal loaded trucks through GPS and RFID tags as stipulated in the said Appendix-X to the EIA Notification, 2016 to prevent and detect multiple use of transport permit/challan. Transportation of the coal in the State of Meghalaya shall not be permitted till the said system is made fully operational.
16. The State of Meghalaya and the Meghalaya State Pollution Control Board shall initiate necessary actions to file complaint under relevant sections of the Mines and Mineral (Development and Regulation) Act, 1957, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment (Protection) Act, 1986 against the persons responsible for raising of transportation of all such coal which was dumped at any such depot on or after 10.04.2019.
17. An agency not under superintendence and control of the State of Meghalaya shall enquire into the matter of export of illegally mined coal to Bangladesh, in the guise of coal permitted to be transported by various orders passed by the Hon'ble NGT and the Hon'ble Supreme from time-to time, identify the person(s)



responsible for such export and file complaint before the concerned competent Courts of Law under relevant provisions of the Law against all such persons.

18. The State of Meghalaya shall place before this Tribunal the periodical details (viz. name & full address) of the exporter for each consignment of coal originating from the Meghalaya which was allowed by the Mining and Geology Department in the Government of Meghalaya for export to the Bangladesh from each of the seven LCS in Meghalaya since the ban on rat hole coal mining in Meghalaya was imposed by the Hon'ble NGT in April, 2014.

19. The State of Meghalaya shall initiate necessary actions in accordance with provisions of Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957 against the persons responsible for export of the illegally raised coal to the Bangladesh from each of the seven LCSs in the State of Meghalaya in the guise of the coal permitted to be transported by the Hon'ble NGT and the Hon'ble Supreme Court by order passed from time-to-time. The actions to be initiated against such persons shall include actions under subsection (5) of Section 21 of the said Act to recover price of such illegally raised coal along with rent, royalty or tax, as the case may be, payable to the Government in respect of such coal.

20. In case the coal reported to be available at several locations between the DMR Check gate/weighbridge and the Custom exit point at Gasuapara and such other Custom exit points in the State of Meghalaya is not a part of the 32,56,715 MT assessed coal to be handed over to the Coal India Limited for disposal through e-auction the Mining and Geology Department in the State of Meghalaya shall initiate necessary action in accordance with provisions of Section 38 21 of the Mines and Minerals (Development and Regulation) Act, 1957 against the persons responsible for raising and transportation of such coal and submit a report to the Hon'ble Tribunal. Such action shall include actions under subsection (5) of section 21 of the said Act to recover all such illegally raised coal.



21. The State of Meghalaya shall within three months, establish integrated check post and tamper-proof weigh-in motion weighbridge at each of the seven LCSs in the State of Meghalaya. Each such integrated check-post and weigh-in motion weighbridge shall jointly be manned by the representative, one each from the Mining and Geology Department and the Forests & Environment Department in the State of Meghalaya and the Border Security Force (BSF) and the Customs Department in the Union of India. Each such integrated check-post and weigh-in-motion weighbridge shall be provided with an adequate number of CCTV cameras to ensure video recording of the registration number and the consignment loaded in each truck passing through such integrated check-post and the weighbridge. The network of CCTV cameras to be installed at the weighbridge shall also ensure video recording of the display panel indicating weight of each truck passing through such weighbridge. The footage of each CCTV camera installed at each integrated check-post and the weighbridge shall be retained for a minimum period of one year.

22. Vigilance wing in the Customs and the BSF in the Union of India and the Home (Police) Department in the State of Meghalaya shall undertake regular inspection of the integrated check-posts and weigh-in-motion weighbridge and submit a quarterly report on such inspections to the Chief Secretary, Meghalaya and their respective Departmental Heads.

23. The Director General of Police, Meghalaya shall ensure that all the persons and vehicles, equipment, tools and machineries involved in raising and transportation of about 80,000 MT seized by the Meghalaya Police are identified and necessary action as per the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and all other relevant Statutes and the rules framed thereunder are taken against all such persons and vehicles, equipment, tools and machineries. The similar actions shall also be taken for the coal, if any, to be seized in future. A monthly report on all the cases where the persons and vehicles, equipment, tools and machineries involved in raising and transportation of the seized coal could not be identified shall be submitted.



24. The Director General of Police shall provide to the Meghalaya State Pollution Control Board details of persons involved in illegal mining and transportation of the coal. The Meghalaya State Pollution Control Board shall file complaint before the concerned competent Court of Law under relevant sections of the Water (Prevention and Control of Pollution) Act, 1974; the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the rules, guidelines and notifications issued thereunder against such persons.
25. The State of Meghalaya shall formulate a comprehensive policy for auction of the seized coal and place a copy of the same before this Tribunal within a month. The policy shall provide, among others, establishment of a centralized depot in each coal mining affected district for safe and scientific storage of the seized coal and disposal of the seized coal in a fair and transparent manner after giving wide publicity. The Policy shall specifically provide that no coal shall be disposed of without giving a prior notice of atleast thirty (30) days. The copy of each such notice shall be published in atleast two prominent dailies having wide circulation.
26. The State of Meghalaya shall, within a month, formulate a simple procedure for verification of the claims for receipt of ex-gratia from the laborers who received injuries while working in illegal rat-hole coal mines in the State of the Meghalaya and also from the next-of kin of laborers who were killed while working in such mines. Such procedure may contain adequate safeguards to detect, deter and reject false claims.
27. State of Meghalaya shall disburse an amount of rupees five lakh to next of kin of each of the laborers who were killed while working in any illegal rat-hole coal mining in the State of Meghalaya including the labourers which were killed in a tragic accident in an illegal rat-hole mine in Ksan village in East Jaintia Hill district in December 2018.
28. State of Meghalaya shall disburse an amount of rupees five lakh to next of kin of each of the laborers who were killed and rupees two lakh to each of the laborers who received serious injuries while working in any illegal rat-hole coal



mining in the State of Meghalaya including the laborers which were killed or received serious injuries in a tragic accident in an illegal rat-hole mine in Ksan village in East Jaintia Hill district in December 2018 and in South Garo Hills District in the year 2012.

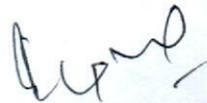
29. State of Meghalaya, Meghalaya State Pollution Control Board and Central Pollution Control Board, shall implement the Action Plan prepared by the Committee, with modification wherever required and submit periodical report.

Analysis of feasibility of implementation of recommendations pertaining to geospatial analysis of coal dumps contained in 6th Report of the Committee

In the context of several recommendations made by the Committee in its 6th Report reference of the Hon'ble Tribunal is invited to recommendations at SI No. 1, 33 which primarily pertain to application of GIS technique to map the coal dumps in Meghalaya, estimation of quantity of coal in the dumps through GIS technique and land use analysis of these coal dump sites through geospatial techniques etc. These recommendations are extracted again below for easy reference

"1. The State of Meghalaya shall, immediately, provide to the North Eastern Space Application Centre (NESAC), Department of Space, Government of India, Umiam, the location (latitude and longitude) and other details of each dump where coal to be auctioned is located. The NEASC, shall within one week from the date of receipt of these details prepare a geo-referenced map depicting the location of each of these dumps and provide a copy of the same to the Secretary to the Government of Meghalaya, Mining and Geology Department and the Coal India limited for placing a copy thereof along with a list containing name and address of the owner and quantity of coal available at each such dump on their respective websites.

2. The Secretary to the Government of Meghalaya, Mining and Geology Department shall, immediately, place on website of the Department a copy of the additional affidavit containing details of 32,56,715 MT coal stated to be available



at various depots filed before the Hon'ble Supreme Court on 10.04.2019 by the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department.

3. The North Eastern Space Application Centre (NESAC), Department of Space, Government of India, Umiam shall undertake land-use land-cover analysis of areas where coal to be handed over to the Coal India Limited is located by using high resolution satellite imageries for the following period:

(a) Immediately before the illegal rat-hole mining of coal was banned by this Tribunal by an order dated 17.04.2014;

(b) Immediately before the additional affidavit dated 10.04.2019 containing details of 32,56,715 MT coal stated to be available at various depots was filed before the Hon'ble Supreme Court by the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department;

(c) Once in the year 2015, 2016, 2017 and 2018, preferably in the month of April.

4. Based on the said land-use land-cover analysis, the NESAC shall divide the coal available at each of the depot where the 32,56,715 MT coal is stated to be available into three categories namely:

(a) The coal continuously existing at the depot since the ban on the illegal rat-hole mining was imposed by this Tribunal on 17.04.2014;

(b) The coal dumped at the depot after the filing of additional affidavit before the Hon'ble Supreme Court on 10.04.2019;

(c) The coal dumped at the depot on any day between 17.04.2014 and 10.04.2019.

5. The finalization of the mode and manner for handing over of the coal to the Coal India Limited and the disposal of the coal by the Coal India Limited through



e-auction shall not wait completion of the afore-mentioned study by the NESAC. The amount released from sale of such coal will however not be disbursed to the respective owner till the said study in respect of such coal is completed by the NESAC."

While the recommendation at SI 1 is practical and implementable having reasonable nexus with the objective of preparation of a proper plan for handing over coal to coal india limited, its auction and transport thereafter, but those at sl 3-5 posed considerable challenge to North Eastern Space Application Centre (NESAC), Shillong, an Institute under the control of Indian Space Research Organization (ISRO), which would be evident from the comments and report furnished in this regard by the NESAC. The technical expertise and resources available with NESAC to undertake geospatial related assignments is disputed by none and are worth of credence being an organization functioning under the ISRO. The task pertaining to SI 1 has been complied with by the NESAC.

With reference to assignment at SI 3 and 4 the Committee in its meeting on 14.02.2020 requested the NESAC to respond to the same, with regard to cost estimate for carrying out this task, time required for the purpose, feasibility to undertake the study as would be evident from the minutes of the meeting on the said date annexed to this report (**Annexure 2**). In response, the NESAC submitted a report (comprising slides of power point presentation) with regard to the cost estimate for carrying out land use analysis in some of the coal bearing districts of Meghalaya pertaining to different years as suggested in the aforementioned recommendation. The NESAC Officials led by the Director of NESAC himself submitted during the course of meeting on 02.03.2020 that the requisite high resolution satellite imageries corresponding to the past years viz., 2014, 15, 16 and 17 in relation to the coal bearing areas may not be available entirely since there are very few satellite passes (technically called as paths and rows) corresponding to the said geographic co-ordinates by satellites equipped with cameras (IKONOS, QUICKBIRD) which can record high resolution imageries. The Director also submitted that in view of the exorbitant cost factor



involved unless a vendor orders for high resolution satellite imageries corresponding to a particular location in advance the corresponding foreign based companies rarely align their cameras to such sites resulting in their non-availability. In view of this constraint, he said he would explore availability of high resolution satellite imageries only for the years 2018-19 and respond. The presentation made by NESAC thereafter on 12.03.2020 (enclosed herein as **Annexure 7**) centred on satellite data availability for major coal bearing districts of Meghalaya viz., East Jaintia Hills, South Garo Hills, West Khasi Hills and South West Khasi Hills districts. Data availability was absent for some portions of East Jaintia Hills even considering satellite imageries of 1.5 m resolution (which would enable capture of coal dumps larger than 1.5 m diameter). Gap area for South Garo Hills for 2018 was 1384 sq km which is substantial. Similar picture was presented for other two districts as well (West Khasi hills presented gap of 1340 sq km for 2019 in respect of 1.5 m resolution satellite imageries). Even with huge gaps in each of the districts the budget requirement was Rs 74.545 lakhs in respect of 1.5 m satellite imagery and Rs 1.1254 Crores in respect of 0.5 m resolution satellite imagery. Duration required for the study was stated to be one year. The aforesaid report coupled with the oral submissions of the Director NESAC on 02.03.2020 leads to following conclusions:

1. The study is highly cost prohibitive and it is not sure if the State Govt would be inclined to provide such a huge sum. In any case the utility value of this exercise does not seem to be high since it merely concerns with mapping the existing coal dumps and is not commensurate with the investment involved. It is doubtful whether MEPR fund could be utilized for such studies which have no nexus with restoration of environment adversely affected by coal mining.
2. Even for the recent years 2018-19 data availability for the entire geographic area covering these districts is insufficient and any report emerging from such study may not reflect the ground reality.
3. NESAC is a national institute of repute engaged with many high utility tasks and saddling them with this task which may engage a large chunk of its work force for a considerable period is avoidable.



4. The time series analysis from 2014-19 would involve stupendous cost running to several crores of rupees and satellite data may be available for earlier years very sparingly only for small patches for the corresponding districts rendering it virtually impossible to carry out such a study.
5. In conclusion it is stated that the recommendation contained at sl 3 may not be workable and hence may be relinquished.

Insofar as recommendation at sl 4 is concerned the NESAC Director submitted orally on 02.03.2020 that it is not technically feasible to estimate quantity of coal remotely since they do not present a uniform surface. Coupled with the technical drawback, the cost factor and time involved, the study prescribed at sl 4 may not be feasible. The report of the Director NESAC stating that it is not technically feasible to undertake such a study requiring quantitative estimation of coal is at last para of his report in this regard (enclosed as **Annexure 8**). Probably had the Committee consulted NESAC or any other Government geospatial institute before making the aforesaid recommendations the same would have been avoided by them.

For the aforesaid analysis the Committee is of the view that recommendations at Sl 3-5 among the list of recommendations figuring in the 6th report of the Committee are unworkable and may not be insisted upon and may kindly be treated as reviewed in latter terms.

CHAPTER 4

PROGRESS OF THE COMMITTEE AFTER FILING OF 6TH REPORT ON 3RD DEC 2019 AND ISSUANCE OF ORDER DATED 17.01.2020 IN O.A. NO. 110(THC)/2012 BY THE HON'BLE NGT

The progress achieved by the committee after filing of 6th Interim Report 03.12.2019 could be broadly categorized under the following heads:-



- I. Overseeing finalization of the Comprehensive Plan prepared by Mining Geology Department, Government of Meghalaya, in accordance with the direction of the Hon'ble Supreme Court of India dated 03.07.2019 in Civil Appeal No. 10720 of 2018, for handing over already extracted coal to Coal of India Limited for auction, modalities of such action, and its subsequent transportation.
- II. Restoration of environment damaged on account of rat-hole coal mining in Meghalaya.

The details of the progress pertaining to the above two items are discussed hereinafter:

- I. **Finalization of the Comprehensive Plan prepared by Mining and Geology Department, Government of Meghalaya in accordance with the direction of the Hon'ble Supreme Court of India dated 03.07.2019 in Civil Appeal No. 10720 of 2018 for handing over of already extracted coal to Coal of India Limited for auction, modalities of such action, and its subsequent transportation.**

The Committee held a special sitting on 04.12.2019 under Chairmanship of Justice B.P. Katakey to deliberate over the draft comprehensive plan for auction and transport of coal prepared by Mining and Geology Department of the State Government in consultation with Coal India Limited. In the said deliberation the Committee made an important suggestion that before commencement of auction the coal dumps and depots consisting of the coal permitted for auction should be grouped based on location and quality of coal which should be called as 'Lots' each of which should be given unique number which should be reflected in the auction process. All the coal dumps within a lot/group should be auctioned together in a single auction process and should be pre-quantified. Considering the inadequacies in the draft plan prepared by the Mining and Geology Department the same could not be approved by the Committee in the said Sitting.



Thereafter, pursuant to the order of the Hon'ble National Green Tribunal dated 17.01.2020 Justice B.D. Agarwal was appointed as Chairman of the Committee since the request of Justice B.P. Katakey to the Hon'ble National Green Tribunal to be relieved from the duties of Chairmanship of the Committee was accepted by the Hon'ble Tribunal. Justice B.D. Agarwal, former Judge of Gauhati High Court formally took over the assignment of the Chairmanship of the Committee on 04.02.2020. A copy of his joining Report is enclosed as **Annexure 1**.

On 14.02.2020 the 5th Special Sitting of the Committee was held to consider finalization of the Comprehensive plan prepared by Mining & Geology Department, Government of Meghalaya, in accordance with the direction of the Hon'ble Supreme Court of India dated 03.07.2019 in Civil Appeal No. 10720 of 2019 pertaining to handing over of already extracted coal to Coal of India Limited for auction, modalities of such action, and its subsequent transportation. The decisions taken in the meeting contributed substantially towards finalization of the said plan. Copy of the minutes of the meeting is enclosed herewith as **Annexure 2**. Important decisions taken in the meeting are listed below:-

1. The Secretary, Mining & Geology Department will circulate through e-mail within a week the draft Comprehensive Plan prepared by the Mining & Geology Department to the concerned Departments and agencies.
2. The Secretary, Mining & Geology Department will provide immediately to the North Eastern Space Applications Centre (NESAC) a copy of the order of the NGT dated 17.01.2020 in O.A. No. 110(THC)/2012 in the matter of Threat to life arising out of coal mining in South Garo Hills District Vs State of Meghalaya.
3. The Secretary, Mining & Geology Department will also provide the geographic co-ordinates of the dump sites of the coal proposed for handing over to Coal India Limited (CIL) for auction in relation to 32,56,715 MT of extracted coal to NESAC within a week.
4. The NESAC is requested to furnish their feedback within a week of receipt of the co-ordinates (referred to at Sl. 3) on the proposed land use and land cover



analysis of the sites bearing aforementioned geographic co-ordinates where coal dumps are stated to be present pertaining to 32,56,715 MT of extracted coal. The feedback of NESAC will cover inter-alia their willingness, degree of accuracy of this study, feasibility, time-frame for completion of this exercise, and its cost requirement.

5. Insofar as reserve price of coal is concerned, the base price/reserve price shall be fixed by a Committee of Experts both from Govt of Meghalaya, CIL and Coal Merchants Association of Meghalaya. The composition of the expert committee shall find mention in the comprehensive plan for transfer, auction and transport of coal and to expedite the process for fixing Base Price/Reserve Price the State of Meghalaya, Coal India Limited and Coal Merchants Association of Meghalaya shall furnish names of two representatives each to the Committee.

6. The State Pollution Control Board is requested to frame guidelines in respect of the centralized coal depots for the purpose of ensuring compliance with Air Pollution Act, Water Pollution Act and Environment Protection Act.

7. In the matter of aforesaid transfer, auction and transport of coal the concerned Departments/Agencies, whose representatives have participated in the deliberations today, and the learned Members of the Committee may offer their opinions, suggestions and/or objections, if any, to the Comprehensive Plan prepared in this regard within a week of receipt of the said plan document from the Mining & Geology Department. Thereafter, those suggestions or views deemed appropriate by the Committee will be incorporated in the Comprehensive Plan by the Mining & Geology Department.

The Committee held its 6th Special Sitting on 02.03.2020 to finalize the comprehensive plan prepared by Mining & Geology Department, Government of Meghalaya in accordance with the direction of the Hon'ble Supreme Court of India dated 03.07.2019 in Civil Appeal No. 10720 of 2018 pertaining to handing over of already extracted coal to Coal of India Limited for auction, modalities of such action, and its subsequent transportation.



Copy of the minutes pertaining to the observation of the Committee on the draft comprehensive plan submitted by the State Government is enclosed herein as **Annexure 3**

Sixth special sitting of the Committee was held on 2nd March 2020 to deliberate over the comprehensive plan for auction, transport etc of coal submitted to the Committee on the said date of sitting. Important suggestions rendered by the Committee during the said meeting are extracted below:-

- i. Several suggestions have been made by the Committee during the course of deliberation on various clauses of the latest draft Plan submitted by the Mining & Geology Department. Accordingly, those clauses of the Plan shall be revised, corrected or deleted as pointed out by the members of the Committee. All such suggestions of the Coal India Limited which have been directed to be incorporated in the Plan by the Committee shall also be incorporated in the Plan.
- ii. The said Plan shall be prepared and submitted to the Committee through e-mail at the earliest.
- iii. The Meghalaya State Pollution Control Board have submitted guidelines prepared by them to be observed by the designated coal depots. Compliance of the same shall be rendered mandatory by the coal depots before their inclusion in the notice inviting tender and a clause to this effect shall be contained in the Plan.
- iv. In respect of mapping with the aid of high resolution satellite imageries the coal dumps existing prior to the date of filing the aforesaid affidavit in the Hon'ble Supreme Court, the Director of the North Eastern Space Application Centre, Department of Space (NESAC), Government of India, Umiam stated that they need a period of 2 (two) weeks for submitting a report on tentative schedule for the study along with the cost estimate for preparing the requisite maps.

On the 12th March 2020, the Committee held 7th Special Sitting to secure finalization of the comprehensive plan prepared by Mining Geology Department, Government of Meghalaya in accordance with the direction of the Hon'ble Supreme Court of India



dated 03.07.2019 in Civil Appeal No. 10720 of 2018 pertaining to handing over of already extracted coal to Coal of India Limited for auction, modalities of such auction, and its subsequent transportation.

After a threadbare discussion with the official of Coal India Limited, officials of Meghalaya State Pollution Control Board and Mining and Geology Department of Government of Meghalaya and further modifying the draft plan submitted by the Mining and Geology Department of the State Government, the Committee approved the Comprehensive Plan in its final form, which was prepared jointly by the Mining and Geology Department, Government of Meghalaya and Coal India Limited, for handing over of 32,56,715 MT of extracted coal to Coal India Limited for auction, and its subsequent transport.

Important decisions taken in the aforesaid meeting pertaining to transport and auction of the coal are extracted below:-

1. The Committee approved the suggestion of the Mining and Geology Department officials for permitting transport and auction of 2 (two) lakhs MT of coal which is distributed over four coal bearing Districts in Meghalaya viz. East Jaintia Hills, West Khasi Hills, South Garo Hills and South West Khasi Hills, in the first phase. The transport and auction of the aforesaid quantity of coal has been approved by the Committee on an experimental or pilot basis. In Phase – I the Committee allows the Government of Meghalaya to hand over to Coal India Limited for auction the following quantities of coal in respect of each of the four coal bearing districts of Meghalaya:

- (i) East Jaintia Hills - 75,000 MT
- (ii) West Khasi Hills - 50,000 MT
- (iii) South Garo Hills - 50,000 MT
- (iv) South West Khasi Hills - 25,000 MT.



3. The Comprehensive Plan along with the Annexures shall be uploaded by Mining and Geology Department in the websites of Mining and Geology Department and the Forests & Environment Department respectively. A copy of the said Comprehensive Plan should be circulated by the Mining and Geology Department to all concerned Departments, Offices and agencies including Coal India Limited.
4. The Mining and Geology Department shall allow the coal owners to transport their coal to the designated depots in their respective Districts within a period of fifteen days from the date of issuance of Transit Pass to the coal owners of the designated coal depots.
5. The Mining and Geology Department will select the coal owners on the basis of draw of lots. However, the maximum quantity a coal owner will be entitled to bid shall be restricted to 5000 MT in the first phase of auction.
6. The Mining and Geology Department will intimate the commencement of auction of coal in two prominent newspapers in Meghalaya.
7. The guidelines prepared by the Meghalaya State Pollution Control Board in respect of pollution control norms to be observed by coal depot owners was perused and approved by the Committee.
8. In respect of the buyers of auctioned coal who intend to transport or sell the same within Meghalaya, a list of such buyers shall be furnished by the Mining and Geology Department to the Meghalaya State Pollution Control Board.

The Hon'ble National Green Tribunal is requested to kindly approve the aforesaid decisions of the Committee. A copy of minutes of the meeting pertaining to these decisions is enclosed herein as **Annexure 4**.

A copy of the **Comprehensive Plan** for handing over coal to Coal India Ltd, transport and auction of the said coal which has been prepared under the supervision of the Committee is enclosed herein as **Annexure 5**. The Hon'ble National Green Tribunal is



requested kindly to approve the said plan which has been prepared under close supervision of the Committee spread over a period of nearly eight months, after engaging the concerned Departments and authorities through several discussions, meticulous scrutiny of the draft plan and rigorous application of mind on the part of the Committee.

II. Restoration of environment damaged on account of rat-hole coal mining in Meghalaya.

The Committee held 21st Sitting on 14.02.2020 to deliberate over the measures to be taken for restoration of the environment damaged on account of coal mining in Meghalaya. The ball was set rolling by the Committee in this meeting by way of issuing several directions to various authorities with the purpose of securing implementation of the environment restoration action plan (Action Plan for short) prepared hitherto by the Committee. The decisions of the Committee in this regard are listed below:

1. Clause A of the Action Plan, which relates to prevention of human and animal deaths by accidental falling in coal mine shafts, comprises various sub-components. With respect to clause A.1 - identification and delineation of coal fields as well as each coal mine, coal shaft, coal dump etc- in continuation with the earlier similar exercise initiated by NESAC they are requested to furnish a detailed cost estimate for preparation of such maps for the remaining districts viz., West Khasi Hills, South Garo Hills and South West Khasi Hills and submit a report to this Committee before the date of next sitting of the Committee.
2. Education Department may furnish a status report on the progress of implementation of A2 of the Action Plan which relates to creation of awareness about ill effects of illegal coal mining and also furnish information on the status of submission of APOs to the Committee notified in the guidelines for utilization of MEPR fund for their further processing of the same.



3. A.3 of the Action Plan which relates to installation of sign boards in areas having presence of coal mines was reported to have been implemented by the Mining & Geology Department.
4. With respect to A4 of the action plan- Erection of physical barriers at periphery of shafts of mines where coal reserve has not been exhausted-the Deputy Commissioners of all Districts shall submit a report on progress on erection of physical barriers at periphery of shafts of mines where coal reserves have not been exhausted by the mine owners, and steps taken by the District Administration to obtain such proposals from the mine owners who have not embarked on any such activity.
5. With respect to A5 of the action plan – Closure of shafts of mines where coal reserve has already been exhausted -Mining & Geology Department shall submit through an appropriate APO the further fund requirement for the purpose of installation of sign boards in areas having presence of coal mines to the concerned Committee notified in the guidelines for utilisation of MEPR fund. The Department shall also submit APOs incorporating other requirements to the Committee notified in the guidelines for utilisation of MEPRF. The Deputy Commissioners shall take steps to create awareness on erection of physical barriers around the coal shafts where the reserves are exhausted.
6. In respect of item A.5.1 of the Action Plan- Controlled blast to secure closure of shafts of mines where coal reserve has already been exhausted- the Member Secretary of Meghalaya State Pollution Control Board (MSPCB) is requested to intimate CIMFR –CSIR to give a power-point presentation on the matter to the Committee on the next date of its sitting. The Deputy Commissioners of the districts affected by coal mining shall furnish an appropriate report to the Committee on this matter before actually proceeding with controlled blasting. The Member Secretary, Meghalaya State Pollution Control Board is requested to submit a status report on development of safe and cost effective control blasting techniques in Meghalaya and the progress made by CIMGR-CSIR in this regard. The presentation of the CIMFR- CSIR during the next sitting of the Committee as referred above shall cover the techniques which could be applied in Meghalaya



to secure controlled blasting. The Director DMR is requested to identify at least one abandoned coal mine where a pilot project can be undertaken by CIMFR-CSIR in respect of the safe and cost effective technique of control blasting and intimate the Committee on its next date of sitting.

7. Component B of the action plan relates to prevention of Acid Mine Drainage (AMD) through various devices. B.1 refers to coal dumps of cement factories and their captive power plants. The components B.1.1 to B.1.3 are as follows:
- i. Covering of dumps by permanent sheds/ water proof tarpauline
 - ii. Construction of garland drains along with acid mine drain storage tanks
 - iii. Treatment of acid mine drain collected in storage tanks

The Deputy Commissioners of East Khasi and Jaintia and Ri Bhoi Districts where cement factories and captive power plants are set up shall direct the cement factories and captive power plant owners to develop such devices and obtain a road map from each of them in this regard and submit the same to the Committee within two months.

8. With respect to item B.1.4 relating to amendment of Environmental Clearance (EC) already granted to the above mentioned cement plants and captive power plants to stipulate additional conditions in such ECs to provide for above measures incase such measures have not been stipulated, a status report on the implementation in this regard shall be furnished by the Member Secretary SEIAA and the Regional Office for North East region of MoEF & CC, Shillong.
9. With respect to item B.1.5 – Revocation/withdrawal of EC and launch of prosecution in case of non-implementation of aforementioned measures- it was reported that action has already been concluded by the MPSCB. A report in this regard may be submitted by MSPCB to the Committee before the next date of sitting of the Committee.
10. With respect to item B 1.6 – Revocation/withdrawal of CTE and launch of prosecution in case of non-implementation of afore-mentioned measures - it was stated by the Member Secretary MSPCB that there was no instance of withdrawal of CTE since all units which were directed by the MSPCB for compliance have complied.



11. Item B.2 relates to dumps of assessed coal. The sub-items are as follows:

- i. Covering of dumps by water-proof tarpaulin/ permanent sheds
- ii. Construction of garland drains along with acid mine drain storage tanks
- iii. Treatment of acid mine drain collected in storage tanks
- iv. Promulgation of order under section 144 or any other relevant Section(s) of CrPC to prohibit open/uncovered dumping of assessed coal

Sub items (i) to (iii) are to be implemented by the plant owners. The Deputy Commissioners of all Districts where occurrence of coal mining is noticed are requested to furnish status report within one month on the implementation of item B.2 to the Director of Mineral resources who in turn shall inturn submit a report to the Committee in this regard within two months.

12. With respect to item B.3 –Dumps of seized coal- the Director of Mineral Resources is requested to submit APOs within two weeks to the Committee notified under MEPR detailing the fund requirement to secure implementation of the sub-items listed under this item. The sub-items of B.3 are as below:

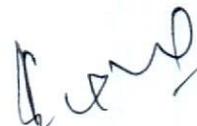
- i. Construction of permanent depots for seized coal
- ii. Covering of dumps by tarpaulin/ permanent sheds
- iii. Construction of garland drains along with acid mine drain storage tanks
- iv. Treatment of acid mine drain collected in storage tanks

13. B.5 relates to insulating coal while in transit. The sub-items are:

- i. Covering of coal by waterproof tarpaulin while its transportation by road
- ii. Seizure of trucks carrying coal without covering it with waterproof tarpaulin
- iii. Promulgation of order under section 144 or any other relevant section(s) of CrIPC to prohibit open/uncovered dumping of assessed coal

The Deputy Commissioners of all coal mine affected districts are requested to furnish status report within one month on the implementation of item B.2 to the Director of Mineral resources who in turn shall in turn submit a consolidated report to the Committee in this regard.

14. With respect to item B.6- Rat hole coal mine openings- deliberation is postponed till CIMFR-CSIR make presentation in this regard to the Committee.



15. With respect to item B.7- Coal mine shafts located in river/ stream bed-
deliberation is postponed till CIMFR-CSIR make presentation in this regard to
the Committee
16. With respect to item C which deals with restoration of water quality in
rivers/streams affected by Acid Mine Drains (AMD) the Chief Engineer, PHE is
requested to submit status report on implementation of item C.1- Identification
and prioritisation of rivers/streams to be restored- and a road map for full
implementation of the same to the Committee before its next date of sitting.
17. With respect to item C.2- Development, refinement and transfer of AMD
treatment technology- Professor O.P.Singh, NEHU is requested to make a
presentation to the Committee on the day of its next sitting alongwith a report on
the pilot project run by his team in this regard. The Mining & Geology Department
suggested that an independent monitoring agency, in respect of which MSPCB is
currently suitable, be requested to monitor the progress and success of the three
pilot projects currently underway in respect of item C .2 and submit the same to
the Committee within two months.

Copy of the minutes of the deliberation of the committee on 14.02.2020 are enclosed
herewith as **Annexure 6**

The Committee had fixed 06.04.2020 for holding 22nd Sitting of the Committee to review
the progress in implementation of the directions issued on 14th Feb 2020 in its 21st
sitting and discuss further measures to secure implementation of the Environment
Restoration Action Plan. However the said meeting could not be held in view the
prevailing Lockdown order due to spread of Covid-19 and would be held as soon as the
Lockdown is lifted.

Date: 30/04/2020


(Retd. Justice B. D. Agarwal)
Justice B. D. Agarwal
Former Judge, Gauhati High Court
CHAIRMAN
NGT Appointed Committee
Meghalaya

LIST OF ANNEXURES

SL NO. OF ANNEXURE	Description
1	Joining report of Justice B.D.Agarwal, Former Judge of Gauhati High Court
2	Minutes of the 5 th Special Sitting of the Committee
3	Minutes of the 6 th Special Sitting of the Committee
4	Minutes of the 7 th Special Sitting of the Committee
5	Comprehensive Plan for Auction and Transport of Coal
6	Minutes of the 21 st Sitting of the Committee
7	Presentation(Power Point) of NESAC
8	Letter of Director of NESAC dated 21.04.2020

ANNEXURE - 1



OFFICE OF THE NATIONAL GREEN TRIBUNAL COMMITTEE,
MEGHALAYA, SHILLONG

Dated Shillong the 04th February 2020

Issued at _____

To

The Chairman
National Green Tribunal
Faridkot House, Copernicus Marg
New Delhi - 110 001

Sub : **Intimation of joining**

Sir,

Pursuant to the direction of the Principal Bench of National Green Tribunal dated 17.01.2020 in O.A. No. 110 (THC)/2012 in the matter of *Threat to life arising out of coal mining in south garo hills district Vs State of Meghalaya* I furnish herewith my intimation of joining the assignment in the forenoon today i.e., 04/02/2020 as Chairman of the Committee appointed by the Hon'ble Tribunal.

It is further informed that I have submitted my resignation letter from the post of Manipur Lokayukta.

Yours faithfully,

[Handwritten Signature]
04.02.2020

(Justice B.D. Aggarwal)
Former Judge, Gauhati High Court

s/c

Copy to:

Chief Secretary, Government of Meghalaya.

QUORUM

HON'BLE MR. JUSTICE B. D. AGARWAL,
FORMER JUDGE, GAUHATI HIGH COURT, GUWAHATI

MR. S. C. BHOWMIK, PROFESSOR
REPRESENTATIVE FROM INDIAN SCHOOL OF MINES,
(IIT – ISM), DHANBAD
(Email id: bhowmik44@gmail.com)

IN THE MATTER OF

Threat to Life Arising Out of Coal Mining in South Garo Hills District

-Vs-

The State of Meghalaya & Ors.
And other connected matters

PRESENT

- : **Mr. C. P. Marak, IFS,**
Chairman, Meghalaya State Pollution Control
Board
Government of Meghalaya
Email id:
megspcb@rediffmail.com, cpmarak1@gmail.com
- : **Mr. M. R. Synrem, IAS**
Commissioner & Secretary to the Government of
Meghalaya
Transport Department
Email id: comtrans21@gmail.com
- : **Mr. Manjunatha C, IFS**
Secretary to the Government of Meghalaya,
Mining & Geology Department
Email id: manju2020@gmail.com
- : **Mr. A. Kembhavi, IAS**
Director, Directorate of Mineral Resources,
Government of Meghalaya,
Email id: arunkumar.kembhavi@gmail.com
- : **Smti. P. L. Lawai, MCS**
Joint Secretary to the Government of Meghalaya
Mining & Geology Department,
Email id: paleilawai@gmail.com

- : **Advocate A. Tripathi**
Advocate for State of Meghalaya,
Email id: avijitmani@gmail.com
- : **Mr. J. K. Borah,**
General Manager,
North Eastern Coalfields, Coal India Limited
Email id: gm.nec.cil@coalindia.in
- : **Mr. G. Mathew**
Chief Manager (M & S)
Coal India Ltd
Email id: tsdm.cil@coalindia.in
- : **Mr. I. W. Ingty, IAS**
Commissioner of Transport,
Government of Meghalaya, Transport Department,
Email id: ingty.israel@gmail.com
- : **Shri. D. D. Sangma, MCS**
Joint Secretary to the Government of Meghalaya
Transport Department
Email id: daviddandali@gmail.com
- : **Mr. V. Saikhom**
Scientist, North Eastern Space Application Centre,
Department of Space, Government of India,
Umiam,
Email id: victor.saikhom@nesac.gov.in
- : **Mr. R. P. Gurung**
Scientist – D
Central Pollution Control Board
Email id; riteshprasadgurung@gmail.com

MINUTES OF THE 5th **SPECIAL SITTING** OF THE COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL UNDER THE CHAIRMANSHIP OF HON'BLE MR. JUSTICE B. D. AGARWAL, FORMER JUDGE, GAUHATI HIGH COURT HELD ON 14TH **FEBRUARY, 2020** AT 10.30 A.M IN THE CONFERENCE HALL, AT RI KYNJAI RESORT, UCC ROAD RI – BHOI UMIAM KHWAN, SHILLONG - 793103.

AGENDA

1. To consider, finalize and approve the comprehensive plan prepared by Mining & Geology Department, Government of Meghalaya in accordance with the direction of the Hon'ble Supreme Court of India dated 03.07.2019 in Civil

Appeal No. 10720 of 2018. The Comprehensive Plan pertains to handing over of already extracted coal to Coal India Limited for auction, modalities of auction, and its subsequent transportation.

PROCEEDINGS

The Chairman welcomed all the officials present and initiated deliberation on preparation of comprehensive plan which pertains to handing over of already extracted coal to Coal India Limited for auction, modalities of auction and its subsequent transportation.

Having discussed threadbare the matter with the officials representing the Mining & Geology Department, Coal India Limited, NESAC and State Pollution Control Board the following decisions were taken in the matter by the Committee for implementation by the concerned agencies/ officials/ Departments:

1. The Secretary, Mining & Geology Department will circulate through e-mail within a week the draft Comprehensive Plan prepared by the Mining & Geology Department to the concerned Departments and agencies.
2. The Secretary, Mining & Geology Department will provide immediately to the North Eastern Space Applications Centre (NESAC) a copy of the order of the NGT dated 17.01.2020 in O.A. No. 110(THC)/2012 in the matter of *Threat to life arising out of coal mining in South Garo Hills District Vs State of Meghalaya*.
3. The Secretary, Mining & Geology Department will also provide the geographic co-ordinates of the dump sites of the coal proposed for handing over to Coal India Limited (CIL) for auction in relation to 32,56,715 MT of extracted coal to NESAC within a week.
4. The NESAC is requested to furnish their feedback within a week of receipt of the co-ordinates (referred to at Sl. 3) on the proposed *land use and land cover analysis* of the sites bearing aforementioned geographic co-ordinates where coal dumps are stated to be present pertaining to 32,56,715 MT of extracted coal. The feedback of NESAC will cover inter-alia their willingness, degree of accuracy of this study, feasibility, time-frame for completion of this exercise, and its cost requirement.

5. CIL representative expressed their difficulty in collecting coal from unnumbered and remotely located coal dumps. Therefore, Mining & Geology Department will specify designated coal depots for the purpose of transfer of coal to CIL.

6. Insofar as reserve price of coal is concerned the base price/reserve price shall be fixed by a Committee of Experts both from Govt of Meghalaya, CIL and Coal Merchants Association of Meghalaya. The composition of the expert committee shall find mention in the comprehensive plan for transfer, auction and transport of coal.

(Chairman's Note: To expedite the process for fixing Base Price/Reserve Price the State of Meghalaya, Coal India Limited and Coal Merchants Association of Meghalaya may furnish names of two representatives each to the Committee on the next date of sitting.)

7. The State Pollution Control Board is requested to frame guidelines in respect of the centralized coal depots for the purpose of ensuring compliance with Air Pollution Act, Water Pollution Act and Environment Protection Act.

8. In the matter of aforesaid transfer, auction and transport of coal the concerned Departments/Agencies, whose representatives have participated in the deliberations today, and the learned Members of the Committee may offer their opinions, suggestions and/or objections, if any, to the Comprehensive Plan prepared in this regard within a week of receipt of the said plan document from the Mining & Geology Department. Thereafter, those suggestions or views deemed appropriate by the Committee will be incorporated in the Comprehensive Plan by the Mining & Geology Department.

9. The next Special sitting of the Committee constituted by the Hon'ble National Green Tribunal under the Chairmanship of Hon'ble Mr. Justice B. D Agarwal, Former Judge, Gauhati High Court will be held on **2nd March, 2020** at Orchid Lake Resort, Umiam at 11.00am.

The Chairman thanked all present.


(Justice B.D. Agarwal)

QUORUM

HON'BLE MR. JUSTICE B.D. AGARWAL,
FORMER JUDGE, GAUHATI HIGH COURT, GUWAHATI

DR. SHANTANU KUMAR DUTTA, ADDITIONAL DIRECTOR,
REPRESENTATIVE OF CENTRAL POLLUTION CONTROL BOARD
(Email id: shantanucpcb@gmail.com)

IN THE MATTER OF

Threat to Life Arising Out of Coal Mining in South Garo Hills District

-Vs-

The State of Meghalaya & Ors.
And other connected matters

PRESENT

- : **Mr. Manjunatha C, IFS**
Secretary to the Government of Meghalaya,
Mining & Geology Department
Email id: manju2020@gmail.com
- : **Mr. A. Kembhavi, IAS**
Director, Directorate of Mineral Resources,
Government of Meghalaya,
Email id: arunkumar.kembhavi@gmail.com
- : **Mr. J. K. Borah,**
General Manager,
North Eastern Coalfields, Coal India Limited
Email id: gm.nec.cil@coalindia.in
- : **Mr. J. H. Nengnong,** Member Secretary
Meghalaya State Pollution Control Board, Shillong
Email id: megspcb@rediffmail.com
- : **Mr. M. B. K. Reddy, IFS**
Additional Principal Chief Conservator of Forests,
(Planning, Development and Legal Matters),
Forests & Environment Department, Government
of Meghalaya.
Email id: mudiyabala18@yahoo.com
- : **Mr. P. L. N. Raju**
Director, North Eastern Space Application Centre,
Department of Space, Government of India

Email id: director@nesac.gov.in

: **Mr. M. Somorjit Singh**
Scientist
North Eastern Space Application Centre,
Department of Space, Government of India
Email id: msomorjit69@gmail.com

RECORD OF THE MINUTES OF THE SIXTH SPECIAL SITTING OF THE COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL UNDER THE CHAIRMANSHIP OF HON'BLE MR. JUSTICE B.D. AGARWAL, FORMER JUDGE, GAUHATI HIGH COURT HELD ON 02nd MARCH, 2020 AT 10.30 A.M IN THE CONFERENCE HALL OF ORCHID LAKE RESORT, UMIAM, RI – BHOI, SHILLONG -793103

AGENDA

To consider, finalize and approve the comprehensive plan prepared by Mining and Geology Department, Government of Meghalaya in accordance with the direction of the Hon'ble Supreme Court of India dated 03-07-2019 in Civil Appeal No.10720 of 2018. The comprehensive Plan pertains to handing over of already extracted coal to Coal India Limited for auction, modalities of auction, process of such coal, and its subsequent transportation.

PROCEEDINGS

At the outset, the Chairperson of the Committee welcomed the Members of the Committee, Special Invitees, Senior Officials of the State Government and other Officers present.

1. Mining & Geology Department in compliance with the directions issued in the earlier sitting of the Committee on 14.02.2020 have duly submitted a Draft Comprehensive Plan (hereinafter referred to as Plan) in respect of handing over of 32,56,715 MT of extracted Coal to Coal India Limited for auction; the subsequent auction process and consequential transportation of auctioned coal.
2. In the aforesaid context the Mining & Geology Department shall submit the geographical coordinates of all the coal dumps alongwith details of the owners and quantity of coal as mentioned in the affidavit filed by the State Government before the Hon'ble Supreme Court in Civil Appeal No.10720 of 2018. The said affidavit alongwith all annexures shall be submitted to the NGT Committee within

3 (three) days by the Mining and Geology Department, Government of Meghalaya which was agreed to by the Officials of Mining and Geology Department, Government of Meghalaya present in the meeting.

3. With reference to the geographic coordinates of coal dump sites furnished by the Mining and Geology Department, Government of Meghalaya, the Director NESAC observed that the GPS co-ordinates have not been presented in a uniform format leading to irregular distribution of the points when mapped. Mining and Geology Department, Government of Meghalaya, shall render requisite correction in respect of the GPS co-ordinates and resubmit the same to NESAC within two weeks to enable them to prepare an appropriate map.
4. The aforesaid plan was deliberated threadbare by the Committee and the following decisions of the Committee shall be implemented by the Mining and Geology Department, Govt of Meghalaya before the next date of sitting of the Committee:

- i. Suggestions have been made by the Committee during the course of deliberation on various clauses of the Plan. Accordingly those clauses of the Plan shall be revised, corrected or deleted as pointed out by the members of the Committee. All such suggestions of the Coal India Limited which have been directed to be incorporated in the Plan by the Committee shall also be incorporated in the Plan.
- ii. The said Plan shall be prepared and submitted to the Committee through e-mail at the earliest.
- iii. The Meghalaya State Pollution Control Board have submitted guidelines prepared by them to be observed by the designated coal depots. Compliance of the same shall be rendered mandatory by the coal depots before their inclusion in the notice inviting tender and a clause to this effect shall be contained in the Plan.
- iv. In respect of mapping with the aid of high resolution satellite imageries the coal dumps existing prior to the date of filing the aforesaid affidavit in the Hon'ble Supreme Court, the Director of the North Eastern Space Application Centre, Department of Space (NESAC), Government of India, Umiam stated that they need a period of 2 (two) weeks for submitting a report on tentative schedule for the study along with the cost estimate for preparing the requisite maps. The cost of aforesaid study shall be borne

from the funds collected under MEPRF since preparation of such a map will indisputably aid proper planning of restoration of environment damaged on account of such coal dumps which could be located adjacent to the rat hole coal mines which have significantly damaged the environment in Meghalaya. It is made clear that NESAC shall make use of satellite imageries pertaining to the year 2018 and 2019 only for the purpose of aforesaid study which will include both preparation of maps and a detailed study report.

5. The Draft Comprehensive Plan which will be resubmitted by the Mining and Geology Department, Government of Meghalaya, to the Committee as stated above will again be considered by the Committee during their next Special Sitting on 12.03.2020 at 10.30 A.M in the Conference Hall, O/o Principal Chief Conservator of Forests & HoFF, Sylvan House, Lower Lachumiere, Meghalaya, Shillong.

The Chairman thanked all present.

Sd/-
(Justice B.D. Agarwal)

QUORUM

**HON'BLE MR. JUSTICE B.D.AGARWAL,
FORMER JUDGE, GAUHATI HIGH COURT, GUWAHATI**

**SHRI. S. C. BHOWMIK, PROFESSOR
REPRESENTATIVE FROM INDIAN SCHOOL OF MINES,
(IIT – ISM), DHANBAD
(Email id: bhowmik44@gmail.com)**

**DR. SHANTANU KUMAR DUTTA, ADDITIONAL DIRECTOR
REPRESENTATIVE OF CENTRAL POLLUTION CONTROL BOARD
(Email id: shantanucpcb@gmail.com)**

IN THE MATTER OF

Threat to Life Arising Out of Coal Mining in South Garo Hills District

-Vs-

**The State of Meghalaya & Ors.
And other connected matters**

PRESENT

- :** **Shri. C. P. Marak, IFS,**
Chairman, Meghalaya State Pollution Control Board
Email id: cpmarak1@gmail.com,
memsecy.spcb-meg@gov.in
- :** **Mr. Manjunatha C, IFS**
Secretary to the Government of Meghalaya,
Mining & Geology Department
Email id: manju2020@gmail.com
- :** **Mr. A. Kembhavi, IAS**
Director, Directorate of Mineral Resources,
Government of Meghalaya,
Email id: arunkumar.kembhavi@gmail.com
- :** **Mr. J. K. Borah,**
General Manager,
North Eastern Coalfields, Coal India Limited
Email id: gm.nec.cil@coalindia.in
- :** **Mr. J. H. Nengnong, Member Secretary**

Meghalaya State Pollution Control Board, Shillong
Email id: megspcb@rediffmail.com

- : **Mr. M. B. K. Reddy, IFS**
Additional Principal Chief Conservator of Forests,
(Planning, Development and Legal Matters),
Forests & Environment Department, Government
of Meghalaya.
Email id: mudiyabala18@yahoo.com
- : **Mr. B. Shangdiar, IFS**
Conservator of Forests (Monitoring & Evaluation)
Government of Meghalaya,
Forests & Environment Department,
Email id: barlandshangdiar@gmail.com
- : **Mr. M. Somorjit Singh**
Scientist
North Eastern Space Application Centre,
Department of Space, Government of India
Email id: msomorjit69@gmail.com
- : **Mr. R. P. Gurung**
Scientist – D
Central Pollution Control Board
Email id: riteshprasadgurung@gmail.com

RECORD OF THE MINUTES OF THE SEVENTH SPECIAL SITTING OF THE COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL UNDER THE CHAIRMANSHIP OF HON'BLE MR. JUSTICE B.D. AGGARWAL, FORMER JUDGE, GAUHATI HIGH COURT HELD ON **12TH MARCH, 2019 AT 11.30 A.M** IN THE CONFERENCE HALL, SYLVAN HOUSE, OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HOFF, LOWER LACHUMIERE, SHILLONG

AGENDA

To consider, finalize and approve the Comprehensive Plan prepared by Mining and Geology Department, Govt. of Meghalaya in accordance with the direction of the Hon'ble Supreme Court of India dated 03.07.2019 in Civil Appeal No.10720 of 2018. The Comprehensive Plan pertains to handing over of already extracted coal to Coal India Limited for auction, modalities of auction of such coal, and its subsequent transportation.

PROCEEDINGS

At the outset, the Chairperson of the Committee welcomed the Members of the Committee, Special Invitees, Senior Officials of the State Government and other Officers present.

1. After a threadbare discussion with the official of Coal India Limited, officials of Meghalaya State Pollution Control Board and Mining and Geology Department of Government of Meghalaya, the Committee approved the Comprehensive Plan, which has been prepared jointly by the Mining and Geology Department, Government of Meghalaya and Coal India Limited, for handing over of 32,56,715 MT of extracted coal to Coal India Limited for auction, and subsequent transport thereof.
2. The Committee approved the suggestion of the Mining and Geology Department officials for permitting transport and auction of 2 (two) lakhs MT of coal which is distributed over four (4) coal bearing Districts in Meghalaya viz. East Jaintia Hills, West Khasi Hills, South Garo Hills and South West Khasi Hills, in the first phase. The transport and auction of the aforesaid quantity of coal has been approved by the Committee on an experimental or pilot basis.

In Phase – I the Committee allowed the Government of Meghalaya to hand over to Coal India Limited for auction the following quantities of coal in respect of each of the four coal bearing districts of Meghalaya:

(i)	East Jaintia Hills	- 75,000 MT
(ii)	West Khasi Hills	- 50,000 MT
(iii)	South Garo Hills	- 50,000 MT
(iv)	South West Khasi Hills	- 25,000 MT.

3. The Comprehensive Plan alongwith the Annexures shall be uploaded by Mining and Geology Department in the websites of Mining and Geology Department and Forests & Environment Department respectively. A copy

of the said Comprehensive Plan should be circulated by the Mining and Geology Department to all concerned Departments, Offices and agencies including Coal India Limited.

4. The Mining and Geology Department shall allow the coal owners to transport their coal to the designated depots in their respective Districts within a period of fifteen (15) days from the date of issuance of Transit Pass to the coal owners of the designated coal depots.
5. The Mining and Geology Department will select the coal owners on the basis of drawal of lots. However, the maximum quantity a coal owner will be entitled to bid shall be restricted to 5000 MT in the first phase of auction.
6. The Mining and Geology Department will intimate the commencement of auction of coal in two prominent newspapers in Meghalaya.
7. The guidelines prepared by the Meghalaya State Pollution Control Board in respect of pollution control norms to be observed by coal depot owners was perused and approved by the Committee.
8. The Scientist deputed by North Eastern Space Applications Centre, Umiam, Shillong, made a brief Power Point presentation regarding the cost estimate and availability of satellite imageries relating to mapping coal dump sites in the coal mined districts of Meghalaya and also the land use, land cover studies in the said sites. The North Eastern Space Applications Centre shall furnish a hard copy of the said presentation to the Committee for their perusal to enable them to take an appropriate decision in the matter of undertaking the aforesaid mapping exercise.
9. In respect of the buyers of auctioned coal who intend to transport or sell the same within Meghalaya, a list of such buyers shall be furnished by the Mining and Geology Department to the Meghalaya State Pollution Control Board.

10. The Secretary of Mining and Geology Department, Govt of Meghalaya, submitted to the Committee a copy of the affidavit along with all annexures filed by the Government of Meghalaya in Civil Appeal No.10720 of 2018 before the Hon'ble Supreme Court in compliance of the directive of the Committee in their proceedings dated 02.03.2020.

11. The next General Sitting of the Committee will be held on 6th April, 2020 in Shillong at the Conference Hall, O/o Principal Chief Conservator of Forests & HoFF, Sylvan House, Lower Lachumiere Meghalaya, Shillong at 10:30 AM.

The Chairman thanked all present.


(Justice B.D. Agarwal)

GOVERNMENT OF MEGHALAYA
MINING AND GEOLOGY DEPARTMENT

Dated Shillong the 12th March, 2020

Comprehensive Plan for handing over of 32,56,715 MT of extracted coal to Coal India Limited for auction prepared jointly by the Mining and Geology Department in Government of Meghalaya and Coal India Limited.

Whereas, the Hon'ble Supreme Court vide judgment and order dated 3rd July 2019 in Civil Appeal No.10720 of 2018 has held that the Government of Meghalaya shall be the receiver/custodian of all the extracted coal amounting to **32,56,715 MT** lying at various places in the State of Meghalaya.

Whereas, the Hon'ble Supreme Court has directed in the aforesaid judgment that the entire extracted coal stocks already identified lying in East Jaintia Hills, West Khasi Hills, South-West Khasi Hills and South Garo Hill Districts of State of Meghalaya amounting to **32,56,715 MT** shall be handed over by the State of Meghalaya to the Coal India Limited for the purpose of disposal/auction as per the usual rules of Coal India Limited and as per the mode and manner to be formulated by the NGT appointed Committee.

Whereas, the Hon'ble Supreme Court has further directed in the aforesaid judgment that Department of Mining and Geology of the State Government along with the officials of the Coal India Limited may deliberate with NGT appointed Committee to finalize a comprehensive plan for transportation and handing over of the coal to Coal India Limited and further that for disposal/auction by Coal India Limited which shall be beneficial to both the owners of coal as well as the State of Meghalaya.

Now therefore, with an intent to protect the interests of all concerned in mind and with a view to minimize environmental damage and to ensure transparent, effective and seamless handing over and transportation of the already extracted and identified coal amounting to **32,56,715 MT** in a seamless and transparent manner, the following comprehensive plan has been prepared jointly by the Government of Meghalaya and Coal India Ltd., in consultation with the Hon'ble National Green Tribunal appointed Committee



currently headed by Hon'ble Justice Mr. BD Agarwal, former Judge of the Guwahati High Court.

1. **Identification and Notification of Designated Depots:**

- a. The Mining and Geology Department with the help of Deputy Commissioners concerned shall identify and notify sites for establishing designated depots. Number of depots in each district shall be determined based on quantity of assessed coal.
- b. The land owner of the designated depot shall undertake to install all necessary infrastructures at his cost and submit the bills in respect of the same to the State Government for payment which may include rental for the premises, at a later date. In addition to that, he is allowed to charge Rs 20 (Twenty) per MT for weighment of each truck. Fifty percent of the weighment fee shall be deposited with the DMR as administrative cost.
- c. The designated depots subject to the availability of land, fitness of terrain, and ease of accessibility, shall be established near the existing weighbridge and road network.
- d. Having regard to hilly and inaccessible terrain in the State of Meghalaya, on account of lack of availability of contiguous piece of land, each depot shall be identified to store as far as possible 50,000 MT of coal at any point of time.
- e. Movement of trucks to and from designated depot shall be restricted to day time between 7am to 4pm.

2. **Depot Infrastructure:**

- a. Each depot shall have Depot Number to be assigned by DMR.
 - b. The State shall authorize an officer to act as in-charge of one depot or more than one depot and the authorized officer shall ensure that adequate measures have been taken to prevent release of Acid Mine Drainage (AMD) into rivers/streams by constructing garland drains and AMD neutralization chambers or such other measures as are necessary.
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- c. The coal stacks/heaps at designated depots shall be covered with waterproof tarpaulin to protect from rain and to prevent generation of AMD.
 - d. The DMR and Police Department shall depute officials and manpower to protect the depots till the time entire quantity of extracted coal is disposed of through auction. Necessary infrastructure shall be created in the depots such as office chamber, security barrack, computer and accessories, electricity, water supply, gate, fencing etc to the extent possible.
 - e. The designated depots shall adhere to all the guidelines issued by the Meghalaya State Pollution Control Board (MSPCB) annexed herewith as Annexure 1 and before commencement of the auction process depot operator shall obtain Consent to Establish and Consent to Operate from MSPCB. The same provision shall apply to secondary depots also, which may be set up by the prospective buyer.

3. Responsibility of transportation of Coal to Designated Depots:

- a. It shall be the sole and exclusive responsibility of the Coal stock owner to transport the coal stock from places of origin/storage to designated depots at her/his own cost.
- b. It shall be the sole and exclusive responsibility of the Coal stock owner to ensure complete compliance of applicable statutory regulatory framework, and the provisions of the instant policy during transit.
- c. It shall be the sole and exclusive responsibility of the Coal stock owner to ensure that absolutely no fresh mining of coal is undertaken in the garb of transportation of coal from the place of origin and/or storage to designated depots or otherwise.

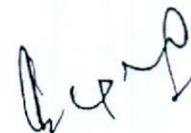
4. Mode and manner of issuance of 'Transit Pass' for Transportation of Coal to Designated Depots:

- a. The transport of extracted coal for auction under the instant policy shall only be permitted pursuant to issuance of 'Transit Pass' by the Office of the Directorate of Mineral Resources, Government of Meghalaya

- b. 'Transit Pass' to transport coal to designated depot shall be issued after verification of records by DMR and officials of District Administration.
- c. DMR officials and Deputy Commissioner concerned shall ensure that details of name of owner and place from where it is collected, quantity, depot number where the coal is being transported and other required details are mentioned in the Transit Pass so as to ensure that only assessed quantity is transported to designated depots for disposal and a separate record in this regard shall be maintained in the office of the Deputy Commissioner and DMR. The officials of Coal India Limited shall also be present at the depots to check the correctness of the procedure adopted therein.
- d. The 'Transit Pass' shall be valid only for transport of coal from pitheads to the notified Designated depots and it shall have a validity period of not more than 15 (Fifteen) days.
- e. Grant of permission to transport the coal to the designated depot shall be decided by the Office of DMR upon satisfactory production of all records.
- f. Office of the DMR shall issue press release mandating all coal owners to get the coal sample tested in NABL accredited laboratories. The copy of the test result shall be enclosed before making an application to transport coal from pithead to designated depot.
- g. Deputy Commissioners shall ensure that same grade coal is stacked together to the extent possible for easy auction and that correct entries are recorded in the register depicting the quantity of coal against each owner so as to avoid confusion post auction.

5. Form and Particulars of Transit Pass:

- a. The Transit Pass issued shall be different from Mineral Transport Challan (MTC) and mentioned as 'Transportation of coal within Meghalaya State' and each transit pass shall mention the place of origin/storage and route to the designated depot and the quantity permitted to be so transported.



- b. It shall be the duty of Deputy Commissioners, DMR and Police to ensure that the assessed coal is not transported to other places or outside the State.
- c. There shall be no transportation without permit in the form of 'Transit Passes.' Any transportation without issuance of 'Transit Pass' or contrary to the permission stated on the Transit Pass, shall be deemed to be an offence and may result in prosecution of the persons involved in such illegal and unauthorized transportation and seizure of such coal and the vehicles by the Government of Meghalaya. The said seized coal shall be dealt with by the State in accordance with Section 21 of the MMDR Act, 1957 as directed by the Hon'ble Supreme Court in paragraph 189 of the Judgment dated 03.07.2019 passed in Civil Appeal No 10720 of 2018.

6. **Mode and manner of Transportation of coal by coal owners from pitheads to Designated Depots after issuance of 'Transit Pass':**

- a. The issuance of 'Transit Pass' shall be a mandatory pre-requisite for transport of all coal from pithead to designated depots. However, even after receipt of 'Transit Pass', it shall be mandatory for transportation to be carried out strictly in accordance with the instant policy and all applicable statutory and regulatory framework, including the provisions of the MMDR Act 1957, Environment Protection Act 1986, rules and guidelines issued thereunder from time to time.
- b. It shall be mandatory for the coal-owner to have the quantity of coal measured prior to its entry into the designated depots at nearby designated weighbridge and weighment slip shall be enclosed along with Transit pass. No coal shall be permitted to be dumped at designated depot without such a certificate of weighment.
- c. The Deputy Commissioner of respective district shall ensure the installation of CCTV cameras at the concerned weighbridges. Sufficient security shall also be deployed by the District Administration at the weighbridges to ensure strict compliance of the instant policy.
- d. The validity of the Transit Pass is only for 15 (Fifteen) days from the date of issuance meaning the coal owner shall complete the



transportation of coal from the pit heads to the depots within 15 (Fifteen) days.

7. Verification process at Designated Depots:

- a. Deputy Commissioner shall get installed CCTV cameras at entry gate of depots and each consignment entering and exiting the depot shall be video recorded and footage of such recording between the date of commencement of the process of dumping of coal for e-auction till conclusion of auction process shall be stored for one year by DMR.
- b. As far as practicable, coal belonging to same grade shall be put up for single auction in a particular depot. The coal stacks will be kept in that depot, owner-wise for easy identification and handling. A unique lot number shall be assigned to each lot.
- c. Receipt will be handed over to owners after receiving the coal in the depots indicating quantity of coal received in the depot. However, final payment to the owners shall be made on the basis of actual weighment which will be weighted at the designated depot of coal at the time of dispatch.
- d. A separate register shall be maintained for each stock and the quantity of coal in each lot and other required details shall be recorded in the register. Similarly, corresponding entries shall be made in respect of that lot at the time of loading of coal post auction. The register shall be signed jointly by officials of DMR and owner of stocks after verification of details.
- e. The decision of the officials of the Deputy Commissioner and DMR on matters pertaining to categorization of lots, weighment, quality and payment shall be final and that the coal owners or buyers shall have no claim against the State Government or Coal India Limited with regard to quality and quantity etc.

8. Auction process:

- a. Government of Meghalaya shall depute sufficient number of officials to plan, execute and monitor sale of coal through e-auction. CIL will

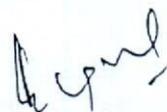


provide requisite manpower at the designated depots and such other support for accounting the 32,56,715 MT of auctioned coal.

- b. Quantity of Coal to be considered for disposal through instant process of e-auction by CIL shall be limited to the lots, details of which have already been submitted before the Hon'ble Supreme Court and shall be limited to 32,56,715 MT. In this regard, the competent authorities shall give a certificate to the CIL that the coal offered for auction in a particular depot is part of **32,56,715 MT**.
- c. The Coal owner/Seller shall get their coal sample tested for Gross Calorific Value (GCV) of each lot from any NABL accredited laboratory. The information regarding requirement of having such certificate shall be made by the DMR.
- d. The certificate from an NABL accredited laboratory shall be submitted by each seller to Government of Meghalaya to be forwarded to the CIL/MSTC Ltd in respect of each lot which shall be displayed against each lot to be put up for auction. A copy of the NABL test report shall be made available to the bidder upon request. Thereafter, any dispute in respect of the quality of coal in that lot will be *interse* the seller and bidder and Government of Meghalaya/CIL/MSTC shall neither entertain any claim in this regard nor owe any responsibility to either the seller or the bidder.

It shall be open to the prospective bidder to physically visit and verify the quality of coal in a particular lot to satisfy himself/itself before making the bid and no claim will be entertained by the Government of Meghalaya/CIL/MSTC in this regard nor will they have any responsibility for quality of the coal in a particular lot. The prospective bidder shall be at liberty to take two random samples per lot up to a maximum of 2kgs per sample to get the sample tested in any laboratory of his choice.

- e. Notice Inviting Tender (NIT) shall be issued only after completion of stacking of coal for auction in a particular yard in a designated depot.
- f. Reserve price of coal shall be as per the Coal India Limited notification dated CIL:M&S:GM(F)/Pricing 2018/07 dated 8th January 2018. A copy of the said notification is annexed herewith as Annexure 2 for ready reference.



- g. The prospective bidders are required to submit an EMD of Rs.200 per MT of the quantity of coal they intend to purchase.
- h. Coal India Ltd. and Government of Meghalaya shall formulate terms and conditions of e-auction in consultation with MSTC Ltd. The auction period shall be 14 (Fourteen) days from the date of issue of auction notice in the website of MSTC Ltd and Mining and Geology Department respectively. Bidders shall be allowed to inspect lots before participating in e-auction process.
- i. While any citizen of India is eligible to participate in the competitive bidding of coal put up for auction, however, only such individuals who belong to the notified Schedules Tribes of Meghalaya or those non-tribals who possess a trading license issued by Autonomous District Councils of Meghalaya and a valid GSTN Registration will be entitled to sell the coal procured through the aforementioned auction within the State of Meghalaya to any prospective buyer who is a resident of Meghalaya state.

Before participation in the e-Auction, a prospective Bidder shall be required to get itself/ himself registered with the service provider, MSTC Limited by online submission of application in the prescribed format available on the website of the Service Provider along with documents as prescribed in the auction notice.

- j. The successful bidder shall transfer the total bid amount to separate bank account opened, maintained and notified by the MSTC for the instant auction process before lifting the auctioned coal. The successful bidder shall, in addition to the bid amount, shall also deposit Royalty at the rate notified by the State Government, contribution to Meghalaya Environment Protection and Restoration Fund (MEPRF), Cess under Meghalaya Minerals Cess Act, 1988 and GST at the following rates:
 - a) Royalty- Rs 675 per MT
 - b) MEPRF- Rs 485 per MT
 - c) Cess- Rs 300 per MT
 - d) GST- 5% of the bid value excluding levies

The successful bidder shall remit the entire payment as aforesaid after adjusting the EMD within 10 (Ten) days from the date of completion of

auction proceedings failing which the bid shall automatically stand cancelled and his/their EMD forfeited. The amount of EMD(s) so forfeited shall be transferred to the Government of Meghalaya after deducting 10% of the same, which 10% shall be transferred to CIL as facilitation fee. The lot for which the bid is cancelled shall be auctioned afresh.

- k. The EMD of the unsuccessful bidders shall be refunded by MSTC within 10 (Ten) days.
- l. The cost of transportation of coal after conclusion of bidding process and auction shall be that of the successful bidder from the designated depot.
- m. The cost of loading of coal in trucks/vehicles of the auction purchaser at the designated depot, including labor and instrumentation, shall be that of the buyer.
- n. The employment of the labor shall be compliant with the applicable Labor laws, with particular reference to the following: -
 - i. No child labor under age of 18 (Eighteen) years shall be employed either by any employer or any contractor engaged by the employer in terms of Section 45 of the Mines Act, 1952.
 - ii. Health and safety norms as laid down in Chapter V and VI of Mines Act, 1952, shall be complied particularly by providing helmets, masks, hand gloves, safety shoes and raincoat to laborer.
 - iii. Appropriate compensation shall be paid in the event of accidental injury or death as provided under Employees Compensation Act, 1923.
 - iv. Wages to the laborer shall not be less than the prescribed minimum Wage rate applicable in the State.
 - v. Inter-State migrant workman shall register with the concerned Deputy Commissioner or the Commissioner of Labor who are registering officers under the Inter-State Migrant Workman Act, 1979.

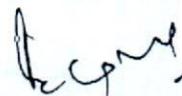


9. Payments and maintenance of accounts:

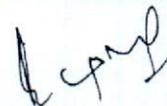
- a. The successful bidder shall transfer all the dues to an account opened for this purpose by the MSTC. The MSTC shall transfer 10% of the bid value to CIL and the remaining sum to the Government of Meghalaya within 3 (Three) days of receipt of amount. The interest accrued on such amount shall be transferred by MSTC to the Government of Meghalaya along with the collected amount.
- b. A joint bank account shall be opened in the name of 'Proceeds of Auctioned Coal, Meghalaya' to be operated jointly by the Director of Mineral Resources, Meghalaya and Joint Secretary to Government of Meghalaya, Mining and Geology Department as a Saving Bank Account which shall be opened only in the scheduled/nationalized bank.
- c. The Government of Meghalaya, after deducting Royalty, MEPRF, Cess and GST, shall transfer the remaining amount to the account of actual owner of the coal stock after completion of dispatch of coal by the buyer which shall not be more than thirty (30) days from the date of issuance of MTCs.
- d. The MEPRF amount received by the Government of Meghalaya shall be transferred to the designated MEPRF Account maintained by the Mining and Geology Department, Government of Meghalaya within 30 (Thirty) days.
- e. The owner(s) of the coal which has been put up for auction in a particular depot shall not be eligible to participate in the auction process pertaining to the coal in the same depot.

10. Post Auction Transportation:

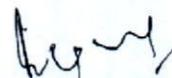
- a. The successful bidders shall be required to comply with all statutory and regulatory requirement including the provisions of the MMDR Act 1957, Environment Protection Act, 1986, while transporting the Coal after purchase.
- b. Transportation of auctioned coal shall be allowed under the cover of Mineral Transport Challan (MTC) having multiple security features, including unique QR Code also, issued by the Mining and Geology



- Department, Government of Meghalaya. Details of all MTCs issued by DMR shall be entered in a ledger maintained in the DMR office.
- c. The MTCs shall be issued by DMR on receiving authenticated confirmation letter and payment invoice from MSTC after payment of necessary dues by successful bidder. MSTC shall issue confirmation letter in duplicate, one to the successful bidder and the other to DMR. MTCs shall be issued only after verifying both the copies. MTCs shall be countersigned by the officials of CIL at the designated depot at the time of exit from depots.
 - d. The MTCs shall be issued against the quantity for which dues have been paid by the successful bidder. For each consignment, 4 (Four) copies of MTCs shall be issued, one office copy and three copies to be handed over to the buyer or his authorized representative. The MTCs shall mention the date of issue, name of designated depot, destination, exit point and the route to be followed from origin to the destination.
 - e. The buyer is required to approach the designated coal depot with the 3 (Three) copies of MTC. After completion of loading, the in-charge of the depot shall retain one copy of the MTC after obtaining the signature of the buyer in acknowledgment of receipt of coal. The in-charge of the depot shall also certify the delivery of coal on the other two copies of the MTC and the same shall be handed over to the buyer. Any loaded truck shall necessarily carry both the copies of MTC which are signed by the in-charge of the depot indicating the date of delivery of coal. Any movement of loaded consignment of coal without MTC or with MTC not having the certification by the person in-charge of the depot regarding delivery of coal will be considered as illegal coal and action shall be taken by Meghalaya Government against such illegal coal in accordance with law.
 - f. At the state exit point, consignment of each truck shall be weighed, and all the coal laden trucks shall be checked for valid documents. The tare weight of the vehicle shall be based on the RC of each vehicle. All exit points shall be manned by officials of the DMR, Government of Meghalaya and details of all challans shall be entered in the ledger maintained for that purpose which shall contain signature of both the



- officials of CIL as well as DMR. At the exit point, the QR code shall be scanned and the respective MTC shall stand invalidated after scanning of QR Code at Exit point. An endorsement 'Used Challan' shall also be inscribed on the MTCs.
- g. The transporter shall produce Mineral Transport Challans to the DMR check post at state exit point and the officer-in-charge of check post shall physically verify consignment, place their signature and seal on MTC. Original copy of MTC shall be retained and duplicate Copy shall be handed over to the consignor. The challans shall be properly stamped and QR Code scanned at the exit point so that they cannot be reused.
 - h. CCTV shall be installed at the exit check gate and video recording of each consignment shall be made at check gate to capture front side of truck, rear side of truck with registration number and from top to capture images of consignment to determine nature of consignment. CCTV footage of one year shall be stored at the check gates.
 - i. The trucks transporting coal shall have valid Registration Certificate (RC) from the Transport Department. A fluorescent sticker '**Coal sold under Supreme Court Order**' to be issued by DMR, shall be pasted on the windshield from inside of the truck. The sticker shall bear the printed/facsimile signature of the Chairman of Meghalaya NGT Committee. The sticker shall also be signed by the officers on the backside of the sticker, who will be the signatory to the MTC. One fluorescent sticker shall be issued chronologically against one MTC. These stickers shall also be
 - j. The loaded truck shall be fully covered with waterproof tarpaulin during period of transportation so that there is no spillage. Adequate free board shall be kept to avoid spillage. In case of spillage, the transporter shall ensure that the spilled coal is collected and transported to destination. There shall be no washing of coal en-route.
 - k. Overloaded coal trucks shall be asked to offload the excess quantity in the space provided for the purpose at the weighbridge itself as per Section 23C of MMDR Act 1957. This offloaded coal shall be auctioned by the concerned Deputy Commissioners in accordance with law and in accordance with the guidelines for transportation of the extracted coal



issued on 1st September 2014 by the Committee constituted by the Hon'ble NGT vide order dated 1st August 2014 in OA No 73 of 2014.

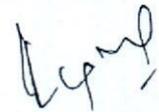
- i. The officers authorized by the State Government under subsection (4) of Section 21 of MMDR Act, 1957 shall seize the coal which is transported without any lawful authority along with the vehicle used for such unlawful transportation of coal and make written complaint before competent Court.
- m. The validity of the MTC is 30 days from the date of issuance of the MTC and ordinarily, the validity shall not be extended beyond 30 days. The successful bidder shall complete the evacuation of allotted coal from the designated depot within 30 days.
- n. No addition of fresh coal shall be allowed till the evacuation of the entire auctioned coal in that particular yard.

11. **Less Delivery/Less Lifting of Coal.**

- a. For quantity not delivered to bidders due to seller's failure, the corresponding amount shall be refunded to the buyer by the State Government.
- b. For quantity not lifted by bidders due to bidder's failure, EMD shall be forfeited and the balance amount of bid value shall be refunded by State Government to the bidder. However, CIL shall be entitled to 10% of the amount of EMD so forfeited.

12. **Notification of Designated Exit Points.**

- a. All Coal laden trucks carrying coal under this auction process shall have follow the route prescribed on the MTCs and will need to pass through one of the following 17 (Seventeen) designated exit/check points or any other exit/check point notified by the State Government from time to time, which will be manned jointly by the officials of the State Government so that there is no leakage of revenue to state exchequer and there is no misuse of MTCs issued under the present dispensation of coal. The mentioned list is only indicative and is subjected to change.



Sl. No.	Location	Area to Cover (Clusters)
1.	Ratacherra Village, East Jaintia Hills District. (All Mineral laden trucks exiting to Assam via Silchar Pass through this village).	For all Trucks exiting to Assam via Silchar in NH 6. Proximity to auctioned coal sites
2.	Khup village, East Jaintia Hills District (For local transportation)	For trucks transporting minerals to Cement Industries.
3.	Umtyra Village, for local transportation and to Cement industries	For trucks entering to cement industries originating from places other than Khup village Proximity to auctioned coal sites.
4.	7 th Mile Village, West Jaintia Hills	For trucks exiting to East Khasi Hills and passing through Jowai Town via NH 6 and NH 44(E)
5.	Amsarin Village	From Jaintia Hills exiting to Bangladesh via Tamabil
6.	Iewsyiemlarbamon Mukertilla (Pynursla)	From Khasi Hills exiting to Bangladesh via Tamabil
7.	Saphai Village, West Jaintia Hills District	For trucks exiting to Garampani via Assam
8.	Umling Village, RiBhoi District	For trucks exiting to Guwahati in Assam via NH 6.
9.	Borsora	For all trucks exiting to Bangladesh in south-west Khasi Hills via Borsora LCS.

10.	Cherragaon	For trucks transporting minerals to Bangladesh
11.	Bagli	For all trucks exiting to Bangladesh in south-west Khasi Hills via Bagli LCS.
12.	Athiabari	For all trucks exiting to Assam via Athiabari in West Khasi Hills.
13.	Gasuapara	For all trucks exiting to Bangladesh in Garo Hills via Gasuapara LCS.
14.	Baghmara	For all trucks exiting to Bangladesh via South Garo Hills via Borsora LCS.
15.	Mahendraganj	For all trucks exiting to Bangladesh via Mahendraganj in West Garo Hills.
16.	DepaGarat	For trucks going to Assam via Dudhnoi
17.	Bajengdoba Checkpoint	For trucks going to Assam via Bajengdoba and Jengjal

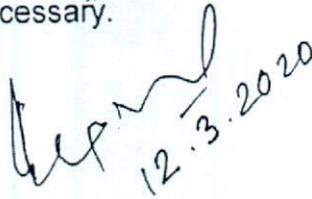
- b. All the above exit points shall be under the authority and supervision of the Mining and Geology Department till the completion of transportation of extracted coal.
- c. The movement of coal laden trucks along the transportation route shall be monitored by mobile patrolling teams consisting of Police, DMR, Transport, Taxation Department and Executive Magistrate to be detailed by Deputy Commissioners. The patrolling team shall conduct checking on highways and other roads for verification of the Mineral Transport Challan and seize the trucks without valid documents. Traffic shall be

regulated by State Police and speed limit of 40 (Forty) kmph shall be enforced for these trucks.

13. **Indemnity and Dispute Resolution.**

- a. It is hereby clarified that the instant auction process is being conducted in accordance with the directions of the Hon'ble Supreme court and in order to ensure minimization of adverse impact on environment as a consequence of transportation of coal.
- b. The instant auction process is being conducted on the basis that the Government of Meghalaya has been deputed as the custodian cum receiver of coal extracted at various pit heads in Meghalaya. As such, it is hereby clarified that no-claim shall lie against the government of Meghalaya/CIL, either by the owners of the Coal, or the bidders, transporters and participants in the auction process in relation to the manner and mode of conduct of auction process. It shall be open to the prospective bidder to physically visit the lots to verify the quantity and quality of coal in a particular lot to satisfy himself before making the bid and no claims shall be entertained by the Government of Meghalaya/CIL/MSTC nor will they bear any responsibility for quality and quantity of the coal in the particular lot.
- c. It is further clarified that matters pertaining to quality, lot sizes, weighment being technical issues are to be determined by the State Government in consultation with Coal India Ltd. No claim shall lie against the State Government or Coal India Ltd. in relation to any decision in relation to any issues arising out of, or in relation to the conduct of auction process.
- d. By participating in the auction process, the mine owners and the buyers are deemed to have agreed to indemnify the State Government and the Coal India Limited during the conduct of auction process.
- e. The State Government shall notify Grievance Redress Forum with a retired District Judge as Chairperson and one representative each from State Government and a reputed NGO as members for redressing the grievances between buyers and stock owners.

14. This Comprehensive Plan shall be reviewed periodically and modifications in the Plan may be made, if necessary.



12.3.2020

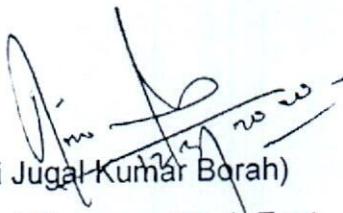
(Justice Mr. BD Agarwal)
Hon'ble Chairman of NGT Committee

Shantanu Dutta
(Dr Shantanu Kumar Dutta)
Hon'ble Member of NGT Committee



12.3.2020
(Shri SC Bhowmik)
Hon'ble Member of NGT Committee

Manjunatha C
(Dr Manjunatha C, IFS)
Secretary to the Govt. of Meghalaya
Mining and Geology Department



12.3.2020
(Shri Jugal Kumar Borah)
General Manager, North East
Coalfields Ltd, Margherita, Assam

Annexure I

Environmental Guidelines for Establishment and Operation of Centralized Coal Depots and Secondary Coal depots

(A) Siting norms

1. Coal depots shall not use any agriculture land and shall be located at a minimum distance of 250 meters away from the surrounding agriculture land.
2. Government waste land not suitable for any agriculture purpose meeting with the requisite siting / distance criteria shall be preferred for establishing coal depots.
3. Coal depots shall be minimum 500 meters away from the residential area, school/colleges, Historical Monuments, Religious Places, Ecological sensitive area as well as forests area.
4. Coal depots shall be located at a minimum 500 meters away from the Railway line, Express ways, National Highways, State ways and District Roads and from water bodies like River, Canal, Pond etc.

(B) Storage and handling criteria

1. Coal depots shall store coal in such a way that coal heap should not be higher than 5 meter and clear distance between two adjoining heaps at G.L. should be 5 meters, so that in case of fire, approach is available.
2. There should be mechanized loading/ unloading system from the loading /unloading area to the stacking yards and in to the vehicles.

(C) Transport criteria

1. All trucks before leaving the storage yard shall be showered with water with adequate system, shall be covered with tarpaulin or any other effective measure/device completely and also that trucks are not over loaded as well as there is no spillage during transportation.
2. The vehicle carrying the coal should not be overloaded by raising the height of carriage. Weigh scale shall be provided within the loading area only and port / coal park authority shall ensure that no overloading is done.
3. The top of the vehicle should be covered with fixed cover instead of tarpaulin cover to avoid spillage or dusting of coal.
4. Coal depots shall obtain transport permission from the local Administration under the relevant rules.

(D) Pollution prevention & control criteria

1. Provision of paved approach with adequate traffic carrying capacity
2. Construction of compound wall all along periphery of the premises with minimum 5 meters height
3. Continuous water sprinkling shall be carried out on the top of the heap at regular intervals to prevent dusting, fire & smoke. To prevent fugitive emission during loading/unloading, fixed pipe network with sufficient water storage and pump shall be installed. Water sprinkling shall be carried out to avoid generation of coal dust or other dust within premises
4. Ensure regular sweeping of coal dust from internal and main road and also ensure that there is adequate space for free movement of vehicles.
5. The following adequate Air Pollution Control Measures shall be installed and to be operated efficiently:-
 - a) Dust containment cum suppression system for the coal stack, loading and unloading.
 - b) Construction of effective wind breaking wall suitable to local condition to prevent the suspension of particles from the heaps.
 - c) Construction of metal road & RCC flooring in the plot area/ godown etc.
 - d) System for regular cleaning and wetting of the floor area within the premises.
 - e) Entire coal storage area/ godown should be covered with permanent shed roofing and side walls i.e., in closed shed, in case of crushing/sieving/grading activity is carried out (i.e. G. I. Sheet) along with adequate additional APCM should be installed.
6. Provision of green belt – plantation with tall growing trees all along the periphery of the coal handling premises, inside & outside of the premises along with road.
7. Proper drainage system shall be provided in all coal storage area so that water drained from sprinkling & runoff is collected at a common tank provided with effective treatment system so as to comply with the following effluent standards:

PARAMETER	LIMITS
pH	5.5-9.0
Total suspended solids	100 mg/L
Oil & grease	10 mg/L
BOD (3 days, 27°C)	30 mg/L
COD	250 mg/L
Phenolics	1.0 mg/L

8. The concentration of the following parameters in the ambient air within the premises and a distance of 10 meters from the source (other than the stack/vent) shall not exceed the following levels:

PARAMETERS	PERMISSIBLE LIMIT	
	Annual	24 Hrs Average
Particulate Matter-10 (PM ₁₀)	60 Microgram/m ³	100 Microgram/m ³
Particulate Matter- 2.5 (PM _{2.5})	40 Microgram/m ³	60 Microgram/m ³
SO ₂	50 Microgram/m ³	80 Microgram/m ³
NO _x	40 Microgram/m ³	80 Microgram/m ³

(E) Safety requirement

1. Provision of adequate fire fighting measure to avoid any fire or related hazards including adequate water storage facility, and the premises shall be exclusively used for storage of the coal.
2. An onsite emergency plan shall be prepared and implemented by coal depots.

(F) Regulatory criteria

1. Necessary permission from all the applicable regulatory authorities and adequate steps under the provisions of applicable environmental acts/ rules shall be taken.
2. Coal depots shall prepare EMP (Environment Management Plan) and implement the same in true spirit and thus maintain overall environment of that area.
3. No operation of loading/unloading of coal/coal dust shall be carried out at any place, till adequate air pollution control equipment for dust control/suppression are installed and efficiently operated and the consent under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1981 is obtained by the coal yard owners/ Coal depots/Agency / coal importers.
4. Coal depots shall operate continuous Ambient Air Quality Monitoring Stations as per CPCB guideline. The results of parameters like SPM, RSPM, and SO₂ and NO_x shall be submitted to the SPCB every month.

	<p>COAL INDIA LIMITED कोल इण्डिया लिमिटेड A Maharatna Company एक महारत्न कंती (A Govt. of India Enterprise)</p> <p>COAL BHAWAN Marketing & Sales Division Ground Floor, Premises No. 04 MAR, Plot No. AF-III, Action Area -1A Rajarhat, New Town, Kolkata - 700156 Phone: 033-71104143, Fax: 033-23244229, Website: www.coalindia.in CIN: L23109WB1973GOI028844</p>
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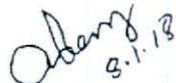
PRICE NOTIFICATION: CIL: M & S : GM(F)/Pricing 2018/07 dated 8th January 2018

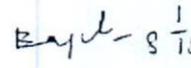
In supersession of the Price Notification no. 01: S&M: GM(F)/Pricing 2016/294 dated 29th May, 2016, the pit head Run of Mine (ROM) prices of all grades of non-coking coal produced by Coal Companies of Coal India Limited including North Eastern Coalfields are being revised with effect from 00:00 Hour of 09th January 2018.

The revised pithead ROM prices have been given in Table I and Table II.

However, all elements of other charges as are presently applicable shall continue to remain applicable.

This issues with the approval of the competent authority.


HoD (Comm.), M&S
Coal India Limited, Kolkata


HoD (F), M&S
Coal India Limited, Kolkata


Enclosed: Table I and II

Table - I

PIT HEAD ROM PRICE OF NON-COKING COAL APPLICABLE FOR EASTERN COALFIELDS LIMITED, BHARAT COKING COAL LIMITED, CENTRAL COALFIELDS LIMITED, NORTHERN COALFIELDS LIMITED, MAHANADI COALFIELDS LIMITED, SOUTH EASTERN COALFIELDS LIMITED AND NORTH EASTERN COALFIELDS.

Grade	GCV Range	Run of mine price for Non-Coking coal	
		Power Utilities (including IPPs), Fertilizer & Defence sector	Sectors other than Power Utilities (including IPPs), Fertilizer & Defence
	(Kcal/Kg)	(Rs./Te)	(Rs./Te)
G1	Exceeding 7000	*	*
G2	Exceeding 6700 and not exceeding 7000	3288	3288
G3	Exceeding 6400 and not exceeding 6700	3144	3144
G4	Exceeding 6100 and not exceeding 6400	3000	3000
G5	Exceeding 5800 and not exceeding 6100	2737	2737
G6	Exceeding 5500 and not exceeding 5800	2317	2524
G7	Exceeding 5200 and not exceeding 5500	1926	2311
G8	Exceeding 4900 and not exceeding 5200	1465	1757
G9	Exceeding 4600 and not exceeding 4900	1140	1368
G10	Exceeding 4300 and not exceeding 4600	1024	1228
G11	Exceeding 4000 and not exceeding 4300	955	1145
G12	Exceeding 3700 and not exceeding 4000	886	1063
G13	Exceeding 3400 and not exceeding 3700	817	980
G14	Exceeding 3100 and not exceeding 3400	748	897
G15	Exceeding 2800 and not exceeding 3100	590	708
G16	Exceeding 2500 and not exceeding 2800	504	604
G17	Exceeding 2200 and not exceeding 2500	447	536

* For GCV exceeding 7000 Kcal/Kg, the price shall be increased by Rs. 100/- per tonne over and above the price applicable for GCV band exceeding 6700 but not exceeding 7000 Kcal/Kg, for increase in GCV by every 100 Kcal/Kg or part thereof.

An additional amount of Rs. 450 per tonne (as per existing practice) to be charged over and above the notified price in respect of the coal produced from Rajmahal mine of Eastern Coalfields Limited

h. d.
M

Table II

**PIT HEAD PRICE OF NON-COKING COAL APPLICABLE FOR WESTERN
COALFIELDS LIMITED.**

Grade	GCV Range (Kcal/Kg)	Pithead Run of mine price for Non-Coking coal	
		Power Utilities (including IPPs), Fertilizer & Defence sector (Rs./Te)	Sectors other than Power Utilities (including IPPs), Fertilizer & Defence (Rs./Te)
G1	Exceeding 7000	*	*
G2	Exceeding 6700 and not exceeding 7000	3288	3288
G3	Exceeding 6400 and not exceeding 6700	3144	3144
G4	Exceeding 6100 and not exceeding 6400	3000	3000
G5	Exceeding 5800 and not exceeding 6100	2737	2737
G6	Exceeding 5500 and not exceeding 5800	2524	2580
G7	Exceeding 5200 and not exceeding 5500	2311	2423
G8	Exceeding 4900 and not exceeding 5200	1757	2109
G9	Exceeding 4600 and not exceeding 4900	1368	1642
G10	Exceeding 4300 and not exceeding 4600	1228	1474
G11	Exceeding 4000 and not exceeding 4300	1145	1374
G12	Exceeding 3700 and not exceeding 4000	1063	1275
G13	Exceeding 3400 and not exceeding 3700	980	1176
G14	Exceeding 3100 and not exceeding 3400	897	1076
G15	Exceeding 2800 and not exceeding 3100	708	850
G16	Exceeding 2500 and not exceeding 2800	604	725
G17	Exceeding 2200 and not exceeding 2500	536	643

* For GCV exceeding 7000 Kcal/Kg, the price shall be increased by Rs. 100/- per tonne over and above the price applicable for GCV band exceeding 6700 but not exceeding 7000 Kcal/Kg, for increase in GCV by every 100 Kcal/Kg or part thereof.

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QUORUM

**HON'BLE MR. JUSTICE B. D. AGARWAL,
FORMER JUDGE, GAUHATI HIGH COURT, GUWAHATI**

**MR. S. C. BHOWMIK, PROFESSOR
REPRESENTATIVE FROM INDIAN SCHOOL OF MINES,
(IIT – ISM), DHANBAD
(Email id: bhowmik44@gmail.com)**

IN THE MATTER OF

Threat to Life Arising Out of Coal Mining in South Garo Hills District

-Vs-

**The State of Meghalaya & Ors.
And other connected matters**

PRESENT

- :** **Mr. C. P. Marak, IFS,**
Chairman, Meghalaya State Pollution Control
Board
Government of Meghalaya
Email id: megspcb@rediffmail.com, cpmarak1@gmail.com
- :** **Prof. O. P. Singh,**
Department of Environmental Studies,
North Eastern Hill University
Email id: opsinghnehu@gmail.com
- :** **Mr. Manjunatha C, IFS**
Secretary to the Government of Meghalaya,
Mining & Geology Department
Email id: manju2020@gmail.com
- :** **Mr. A. Kembhavi, IAS**
Director, Directorate of Mineral Resources,
Government of Meghalaya,
Email id: arunkumar.kembhavi@gmail.com
- :** **Smti. P. L. Lawai, MCS**
Joint Secretary to the Government of Meghalaya
Mining & Geology Department,
Email id: paleilawai@gmail.com

- : **Mr. S. M. Sahai, IFS**
Additional Principal Chief Conservator of Forests
(Climate change, Research & Training),
- : **Mr. K. D. Talukdar**
Chief Engineer,
Public Health Engineering Department,
Government of Meghalaya,
Email id: cephe.meg@yahoo.com
- : **Mr. A. M. Tripathi**
Advocate for State of Meghalaya,
Email id: avijitmani@gmail.com
- : **Mr. R. P. Gurung**
Scientist – D
Central Pollution Control Board
Email id; riteshprasadgurung@gmail.com
- : **Mr. J. H. Nengnong**, Member Secretary
Meghalaya State Pollution Control Board, Shillong
Email id: megspcb@rediffmail.com
- : **Mr. W. R. Kharkrang**
Environmental Engineer
Meghalaya State Pollution Control Board
Email id: megspcb@rediffmail.com
- : **Mr. V. Saikhom**
Scientist, North Eastern Space Application Centre,
Department of Space, Government of India,
Umiam,
Email id: victor.saikhom@nesac.gov.in
- : **Dr. H. Tynsong**, Scientist 'D',
Ministry of Environment, Forests & Climate
Change,
North Eastern Regional Office, Shillong
Email id: h.tynsong@gov.in
- : **Smti. R. Kynjing**
Executive Engineer, Rural Water Supply Division,
Public Health Engineering Department, Jowai,
Email id: ronkyn88@gmail.com
- : **Mr. M. Passah**
Sub – divisional Officer, Public Health Engineering
, Khliehriat,
Government of Meghalaya
Email id:montripassah@icloud.com

MINUTES OF THE TWENTY FIRST SITTING OF THE COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL UNDER THE CHAIRMANSHIP OF HON'BLE MR. JUSTICE B. D. AGARWAL, FORMER JUDGE, GAUHATI HIGH COURT HELD ON **14TH FEBRUARY, 2020** AT 11.00 A.M IN THE CONFERENCE HALL, AT RI KYNJAI RESORT, UCC ROAD RI – BHOI UMIAM KHWAN, SHILLONG - 793103.

AGENDA

1. Review the Action Plan prepared by the NGT Committee for restoration of environment in coal mine affected areas in Meghalaya.
2. Review the status of implementation of the Action Plan prepared by the NGT Committee.

PROCEEDINGS

The Committee perused various clauses of the Action Plan for restoration of environment of coal mine affected areas of Meghalaya which was prepared by the Committee on an earlier date. The Action Plan was prepared for implementation of the orders of the National Green Tribunal dated 31.08.2018 in O.A No. 110(THC)/2012. The progress made in respect of various clauses of the Action Plan was reviewed and appropriate decisions were made as follows:

1. Clause A of the Action Plan, which relates to prevention of human and animal deaths by accidental falling in coal mine shafts, comprises various sub-components. With respect to clause A.1 - identification and delineation of coal fields as well as each coal mine, coal shaft, coal dump etc- in continuation with the earlier similar exercise initiated by NESAC they are requested to furnish a detailed cost estimate for preparation of such maps for the remaining districts viz., West Khasi Hills, South Garo Hills and South West Khasi Hills and submit a report to this Committee before the date of next sitting of the Committee.
2. Education Department may furnish a status report on the progress of implementation of A2 of the action plan which relates to creation of awareness

about ill effects of illegal coal mining and also furnish information on the status of submission of APOs to the Committee notified in the guidelines for utilization of MEPR fund for their further processing of the same.

3. A.3 of the Action Plan which relates to installation of sign boards in areas having presence of coal mines was reported to have been implemented by the Mining & Geology Department. The Secretary to Mining and Geology Department should submit a detailed report in this regard to the Committee.
4. With respect to A4 of the action plan- Erection of physical barriers at periphery of shafts of mines where coal reserve has not been exhausted-the Deputy Commissioners of all Districts shall submit reports on progress on erection of physical barriers at periphery of shafts of mines where coal reserves have not been exhausted by the mine owners and steps taken by the District Administration to obtain such proposals from the mine owners who have not embarked on any such activity.
5. With respect to A5 of the Action Plan – Closure of shafts of mines where coal reserve has already been exhausted -Mining & Geology Department shall submit through an appropriate APO the further fund requirement for the purpose of installation of sign boards in areas having presence of coal mines to the concerned Committee notified in the guidelines for utilisation of MEPR fund. The Department shall also submit APOs incorporating other requirements to the Committee notified in the guidelines for utilisation of MEPRF. The Deputy Commissioners shall take steps to create awareness on erection of physical barriers around the coal shafts where the reserves are exhausted.
6. In respect of item A.5.1 of the Action Plan- Controlled blast to secure closure of shafts of mines where coal reserve has already been exhausted- the Member Secretary of Meghalaya State Pollution Control Board (MSPCB) is requested to intimate CIMFR –CSIR to give a power-point presentation on the matter to the Committee on the next date of its sitting. The Deputy Commissioners of the districts affected by coal mining shall furnish an appropriate report to the Committee on this matter before actually proceeding with controlled blasting. The Member Secretary, Meghalaya State Pollution Control Board is requested to submit a status report on development of safe and cost effective controlled blasting techniques in Meghalaya and the

progress made by CIMGR-CSIR in this regard. The presentation of the CIMFR- CSIR during the next sitting of the Committee as referred above shall cover the techniques which could be applied in Meghalaya to secure controlled blasting. The Director DMR is requested to identify at least one abandoned coal mine where a pilot project can be undertaken by CIMFR-CSIR in respect of the safe and cost effective technique of controlled blasting and intimate the Committee on its next date of sitting.

7. Component B of the action plan relates to prevention of Acid Mine Drainage (AMD) through various devices. B.1 refers to coal dumps of cement factories and their captive power plants. The components B.1.1 to B.1.3 are as follows:
 - i. Covering of dumps by permanent sheds/ water proof tarpaulin.
 - ii. Construction of garland drains along with acid mine drain storage tanks.
 - iii. Treatment of acid mine drains collected in storage tanks.

The Deputy Commissioners of East Khliehriat and Ri Bhoi Districts, where cement factories and captive power plants are set up, shall direct the cement factories and captive power plant owners to develop such devices and obtain a road map from each of them in this regard and submit the same to the Committee within two months.

8. With respect to item B.1.4 relating to amendment of environmental clearance (EC) already granted to the above mentioned cement plants and captive power plants to stipulate additional conditions in such ECs to provide for above measures in case such measures have not been stipulated, a status report on the implementation in this regard shall be furnished by the Member Secretary SEIAA and the Regional Office for North East region of MoEF & CC, Shillong.
9. With respect to item B.1.5 – Revocation/withdrawal of EC and launch of prosecution in case of non-implementation of aforementioned measures- it was reported that action has already been concluded by the MPSCB. A report in this regard may be submitted by MSPCB to the Committee before the next date of sitting of the Committee.
10. With respect to item B 1.6 – Revocation/withdrawal of CTE and launch of prosecution in case of non-implementation of afore-mentioned measures - it was stated by the Member Secretary MSPCB that there was no instance of

withdrawal of CTE since all units which were directed by the MSPCB for compliance have complied.

11. Item B.2 relates to dumps of assessed coal. The sub-items are as follows:

- i. Covering of dumps by water-proof tarpaulin/ permanent sheds.
- ii. Construction of garland drains along with acid mine drain storage tanks.
- iii. Treatment of acid mine drain collected in storage tanks.
- iv. Promulgation of order under section 144 or any other relevant section(s) of IPC to prohibit open/uncovered dumping of assessed coal.

Sub items (i) to (iii) are to be implemented by the plant owners. The Deputy Commissioners of all Districts where occurrence of coal mining is noticed are requested to furnish status report within one month on the implementation of item B.2 to the Director of Mineral Resources who in turn shall submit a report to the Committee in this regard within two months.

12. With respect to item B.3 –Dumps of seized coal- the Director of Mineral Resources is requested to submit APOs within two weeks to the Committee notified under MEPR detailing the fund requirement to secure implementation of the sub-items listed under this item. The sub-items of B.3 are as below:

- i. Construction of permanent depots for seized coal.
- ii. Covering of dumps by tarpaulin/ permanent sheds.
- iii. Construction of garland drains along with acid mine drain storage tanks.
- iv. Treatment of acid mine drain collected in storage tanks.

13. B.5 relates to insulating coal while in transit. The sub-items are:

- i. Covering of coal by waterproof tarpaulin while its transportation by road.
- ii. Seizure of trucks carrying coal without covering it with waterproof tarpaulin.
- iii. Promulgation of order under section 144 or any other relevant section(s) of IPC to prohibit open/uncovered dumping of assessed coal.

The Deputy Commissioners of all coal mine affected districts are requested to furnish status report within one month on the implementation of item B.2 to

the Director of Mineral resources who in turn shall submit a consolidated report to the Committee in this regard.

14. With respect to item B.6- Rat hole coal mine openings- deliberation is postponed till CIMFR-CSIR give presentation in this regard to the Committee.
15. With respect to item B.7- Coal mine shafts located in river/ stream bed- deliberation is postponed till CIMFR-CSIR make presentation in this regard to the Committee
16. With respect to item C which deals with restoration of water quality in rivers/streams affected by Acid Mine Drains (AMD) the Chief Engineer, PHE is requested to submit status report on implementation of item C.1- Identification and prioritisation of rivers/streams to be restored- and a road map for full implementation of the same to the Committee before its next date of sitting.
17. With respect to item C.2- Development, refinement and transfer of AMD treatment technology- Professor O.P.Singh, NEHU is requested to give a presentation to the Committee on the day of its next sitting along with a report on the pilot project run by his team in this regard. The Mining & Geology Department suggested that an independent monitoring agency, in respect of which MSPCB is currently suitable, be requested to monitor the progress and success of the three pilot projects currently underway in respect of item C .2. and submit the same to the Committee within two months.
18. With respect to item C.3- Restoration of prioritised stretches of rivers/streams- deliberation is deferred till completion of items C.1 & C.2 .
19. Deliberation on Items D & E of the Action plan is deferred to the next date of sitting of the Committee.
20. Dr. O.P.Singh informed that on-site and off-site Disaster Management Plan which has been given to him by the Committee to be scrutinised has been found by him to be in order.

The Chairman thanked all present.


(Justice B.D. Agarwal)

HIGH RESOLUTION SATELLITE DATA AVAILABILITY -- FOUR
DISTRICTS OF MEGHALAYA,
ESTIMATION OF TOTAL EXPENDITURE TO CARRY OUT
IDENTIFICATION & PREPARATION OF COAL DUMP & LULC FOR
THE YEAR 2018 & 2019

SHRI M. SOMORJIT SINGH, SCI/ENGR 'SE'

DATA AVAILABILITY

**EAST JAINTIA
HILLS, MEGHALAYA**

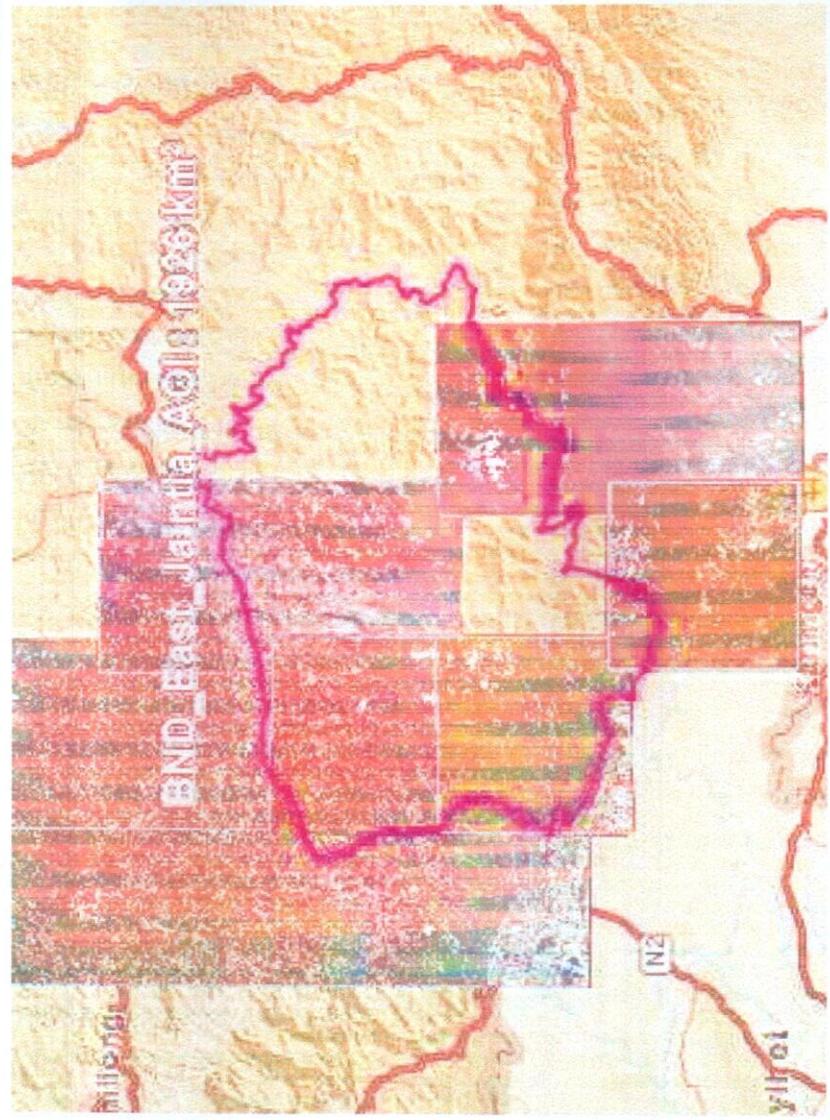
EAST JAINTIAL HILLS, MEGHALAYA

YEAR - 2018

RESOLUTION : 0.5M

- Pléiades 0.5-m - Dec 23, 2018**
Res: 0.50m | Inc Ang: 14.1° | Cloud: 0.0%
- Pléiades 0.5-m - Dec 23, 2018**
Res: 0.50m | Inc Ang: 8.6° | Cloud: 0.0%
- Pléiades 0.5-m - Nov 27, 2018**
Res: 0.50m | Inc Ang: 2.7° | Cloud: 0.0%
- Pléiades 0.5-m - Dec 10, 2018**
Res: 0.50m | Inc Ang: 4.0° | Cloud: 0.4%
- Pléiades 0.5-m - Feb 21, 2018**
Res: 0.50m | Inc Ang: 18.3° | Cloud: 0.7%
- Pléiades 0.5-m - Nov 14, 2018**
Res: 0.50m | Inc Ang: 7.7° | Cloud: 0.8%
- Pléiades 0.5-m - Feb 21, 2018**
Res: 0.50m | Inc Ang: 13.2° | Cloud: 1.4%
- Pléiades 0.5-m - Nov 8, 2018**
Res: 0.50m | Inc Ang: 12.4° | Cloud: 1.6%
- Pléiades 0.5-m - Oct 26, 2018**
Res: 0.50m | Inc Ang: 14.9° | Cloud: 6.8%

TIME WINDOW: 21ST FEB. 2018 TO
23RD DEC, 2018
CLOUD COVER: 0.0 6.8%
AREA COVERAGE: 1346 SQ KM
GAP AREA: 580 SQ KM



COST: 11 EURO SQ KM = RS 12 58 510/-

EAST JAINTIAL HILLS, MEGHALAYA

YEAR - 2018

SPOT 1.5-m - Nov 8, 2018

Res: 1.50m | Inc Ang: 7.2° | Cloud: 0.0%

SPOT 1.5-m - Nov 8, 2018

Res: 1.50m | Inc Ang: 7.2° | Cloud: 0.0%

SPOT 1.5-m - Mar 19, 2018

Res: 1.50m | Inc Ang: 10.9° | Cloud: 0.0%

SPOT 1.5-m - Feb 21, 2018

Res: 1.50m | Inc Ang: 12.6° | Cloud: 0.3%

SPOT 1.5-m - Nov 21, 2018

Res: 1.50m | Inc Ang: 5.9° | Cloud: 0.4%

SPOT 1.5-m - Nov 21, 2018

Res: 1.50m | Inc Ang: 5.9° | Cloud: 0.4%

SPOT 1.5-m - Nov 21, 2018

Res: 1.50m | Inc Ang: 6.5° | Cloud: 0.4%

SPOT 1.5-m - Nov 21, 2018

Res: 1.50m | Inc Ang: 6.5° | Cloud: 0.4%

SPOT 1.5-m - Dec 31, 2018

Res: 1.50m | Inc Ang: 10.7° | Cloud: 1.6%

SPOT 1.5-m - Dec 31, 2018

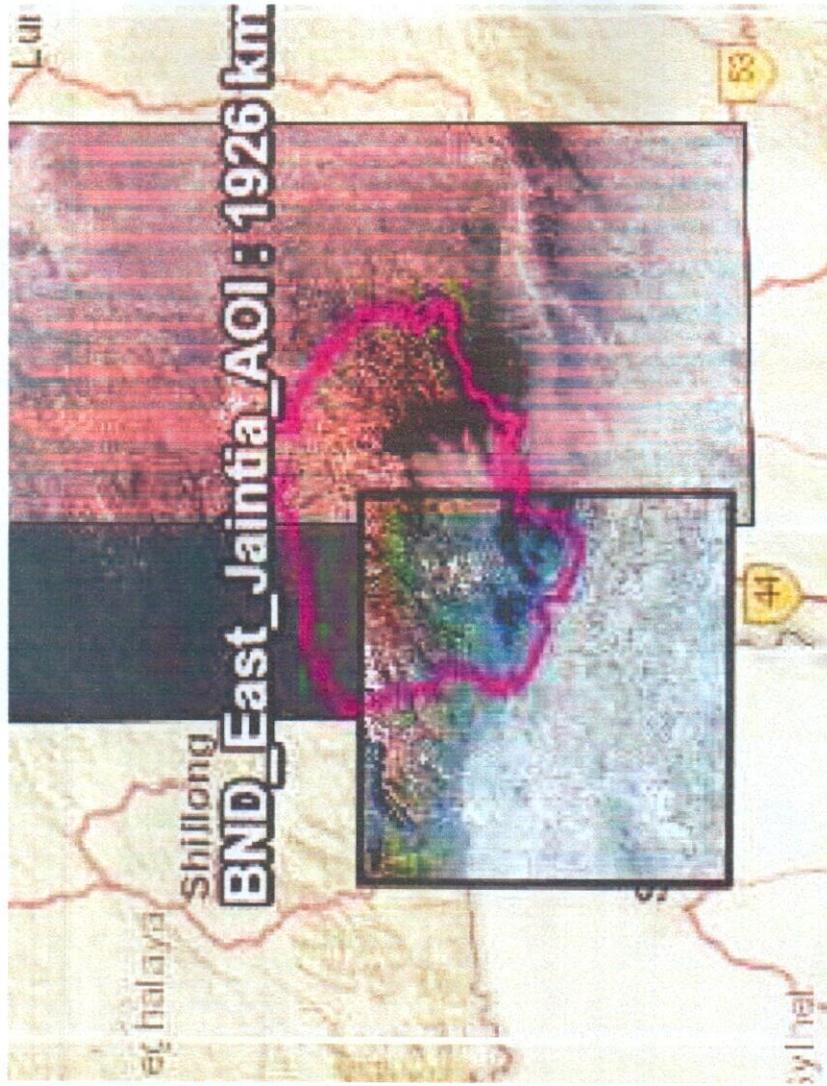
Res: 1.50m | Inc Ang: 10.7° | Cloud: 1.6%

RESOLUTION: 1.5M

**TIME WINDOW: 21ST FEB. 2018 TO
31ST DEC, 2018**

CLOUD COVER: 0.0 – 1.6%

AREA COVERAGE: 1926 SQ. KM



COST: 4.20 EURO / SQ. K = Rs. 6.87,582/-

EAST JAINTIAL HILLS, MEGHALAYA

YEAR - 2019

RESOLUTION : 0.5M

TIME WINDOW: 5TH MAY, 2019 TO
21ST MAY, 2019

CLOUD COVER: 8.1 – 8.6%

AREA COVER: **338 SQ. KM**

GAP AREA: **1588 SQ. KM**

Pléiades 0.5-m - May 8, 2019

Res: 0.50m | Inc Ang: 14.8° | Cloud: 8.1%

Pléiades 0.5-m - May 21, 2019

Res: 0.50m | Inc Ang: 12.3° | Cloud: 8.6%



COST: 11 EURO / SQ. KM = RS. 3,16, 030/-

EAST JAINTIAL HILLS, MEGHALAYA

YEAR - 2019

RESOLUTION: 1.5M

TIME WINDOW: 13TH NOV. 2019 TO
25TH JAN, 2019

CLOUD COVER: 0.0 – 1.4%

AREA COVER: 1577 SQ. KM

GAP AREA: SQ. 349 KM

SPOT 1.5-m - Jan 25, 2019

Res: 1.50m | Inc Ang: 13.7° | Cloud: 0.0%

SPOT 1.5-m - Jan 13, 2019

Res: 1.50m | Inc Ang: 17.8° | Cloud: 0.0%

SPOT 1.5-m - Jan 13, 2019

Res: 1.50m | Inc Ang: 17.8° | Cloud: 0.0%

SPOT 1.5-m - Jan 18, 2019

Res: 1.50m | Inc Ang: 10.3° | Cloud: 0.5%

SPOT 1.5-m - Jan 18, 2019

Res: 1.50m | Inc Ang: 10.3° | Cloud: 0.5%

SPOT 1.5-m - Nov 13, 2019

Res: 1.50m | Inc Ang: 18.9° | Cloud: 1.4%

SPOT 1.5-m - Nov 13, 2019

Res: 1.50m | Inc Ang: 18.9° | Cloud: 1.4%



COST: 4.20 EURO/ Sq. KM =Rs. 5,62, 989/-

DATA AVAILABILITY

**SOUTH GARO
HILLS, MEGHALAYA**

SOUTH GARO HILLS, MEGHALAYA

YEAR - 2018

RESOLUTION : 0.5M

TIME WINDOW: 26TH NOV. 2018 TO
29TH DEC, 2018

CLOUD COVER: 0.0 – 0.1%

AREA COVERAGE: 889 SQ. KM

GAP AREA: 979 SQ. KM

Pléiades 0.5-m - Dec 29, 2018

Res: 0.50m | Inc Ang: 4.8° | Cloud: 0.0%

Pléiades 0.5-m - Nov 26, 2018

Res: 0.50m | Inc Ang: 12.9° | Cloud: 0.0%

Pléiades 0.5-m - Nov 26, 2018

Res: 0.50m | Inc Ang: 10.8° | Cloud: 0.1%



COST: 11 EURO / SQ. KM = Rs. 8, 31,215/-

SOUTH GARO HILLS, MEGHALAYA

YEAR - 2018

RESOLUTION : 1.5M

SPOT 1.5-m - Mar 18, 2018

Res: 1.50m | Inc Ang: 7.3° | Cloud: 0.8%

SPOT 1.5-m - Dec 23, 2018

Res: 1.50m | Inc Ang: 2.1° | Cloud: 1.0%

SPOT 1.5-m - Dec 23, 2018

Res: 1.50m | Inc Ang: 2.1° | Cloud: 1.0%

SPOT 1.5-m - Dec 3, 2018

Res: 1.50m | Inc Ang: 16.7° | Cloud: 1.2%

SPOT 1.5-m - Dec 3, 2018

Res: 1.50m | Inc Ang: 15.8° | Cloud: 6.2%

SPOT 1.5-m - Dec 3, 2018

Res: 1.50m | Inc Ang: 15.8° | Cloud: 6.2%

SPOT 1.5-m - Dec 3, 2018

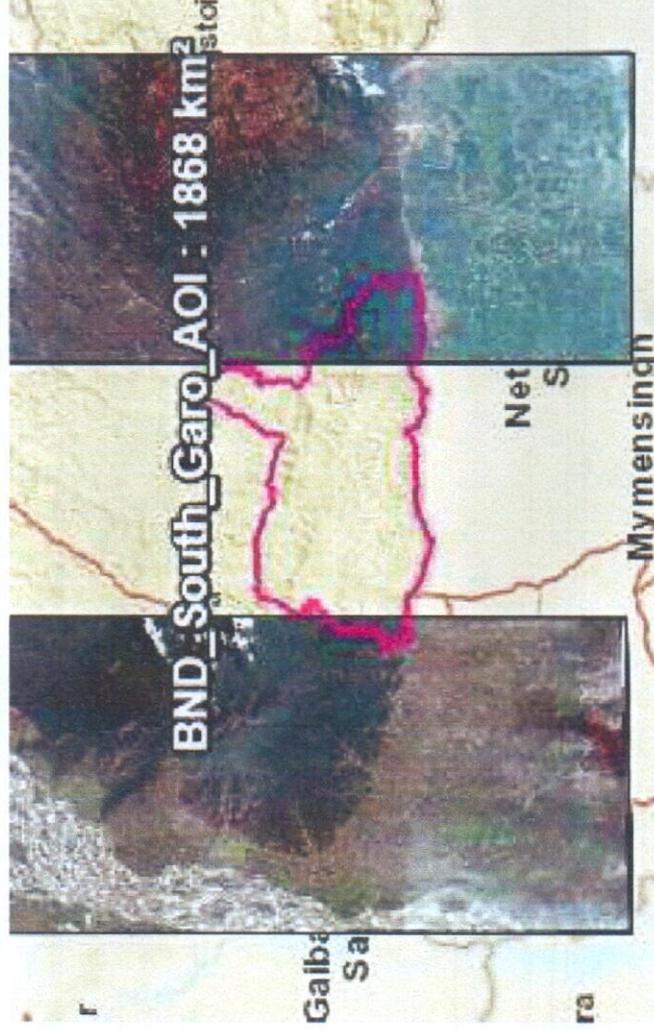
Res: 1.50m | Inc Ang: 16.7° | Cloud: 6.4%

TIME WINDOW: 18TH MARCH, 2018
TO 3RD DEC, 2018

CLOUD COVER: 0.8 – 6.4%

AREA COVER: 304 SQ. KM

GAP AREA: 1384 SQ. KM



COST: 4.20 EURO / SQ. KM

SOUTH GARO HILLS, MEGHALAYA

YEAR - 2019

RESOLUTION : 0.5M

TIME WINDOW: 17TH JAN 2019 TO
21ST SEPT, 2019

CLOUD COVER: 0.0 – 4.3%

AREA COVERAGE: **1001** SQ. KM

GAP AREA: **867** SQ. KM

Pléiades 0.5-m - Jan 23, 2019

Res: 0.50m | Inc Ang: 9.9° | Cloud: 0.0%

Pléiades 0.5-m - Jan 17, 2019

Res: 0.50m | Inc Ang: 18.2° | Cloud: 0.0%

Pléiades 0.5-m - Jan 17, 2019

Res: 0.50m | Inc Ang: 16.6° | Cloud: 0.0%

Pléiades 0.5-m - Apr 18, 2019

Res: 0.50m | Inc Ang: 9.5° | Cloud: 1.3%

Pléiades 0.5-m - Mar 16, 2019

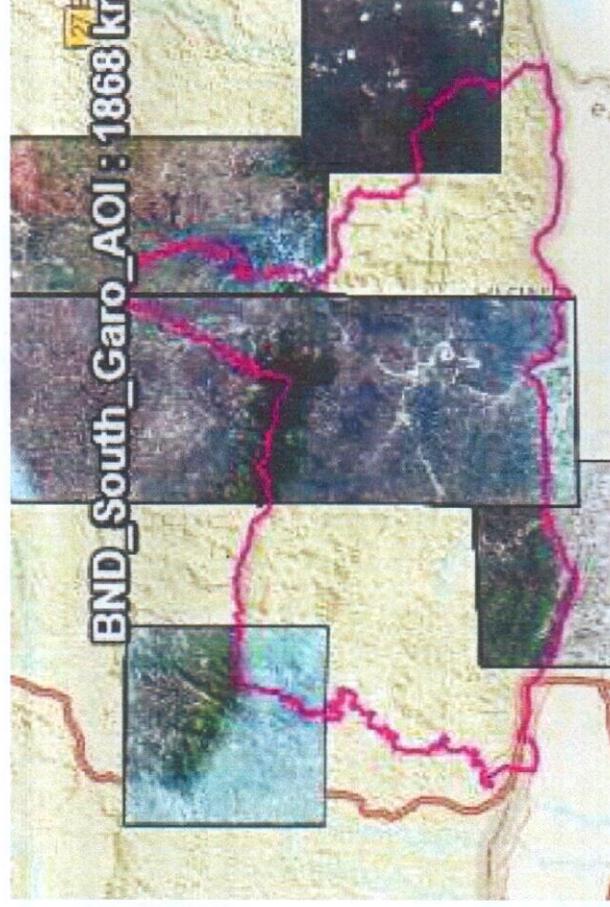
Res: 0.50m | Inc Ang: 15.5° | Cloud: 2.0%

Pléiades 0.5-m - Apr 18, 2019

Res: 0.50m | Inc Ang: 7.8° | Cloud: 2.0%

Pléiades 0.5-m - Sep 21, 2019

Res: 0.50m | Inc Ang: 9.3° | Cloud: 4.3%



COST: 11 EURO / SQ. KM = Rs. 9.35,35/-

SOUTH GARO HILLS, MEGHALAYA

YEAR - 2019

SPOT 1.5-m - Jan 30, 2019
Res: 1.50m | Inc Ang: 8.5° | Cloud: 0.0%

SPOT 1.5-m - Jan 30, 2019
Res: 1.50m | Inc Ang: 13.1° | Cloud: 0.0%

SPOT 1.5-m - Jan 30, 2019
Res: 1.50m | Inc Ang: 13.1° | Cloud: 0.0%

SPOT 1.5-m - Jan 25, 2019
Res: 1.50m | Inc Ang: 14.2° | Cloud: 0.0%

SPOT 1.5-m - Jan 25, 2019
Res: 1.50m | Inc Ang: 14.2° | Cloud: 0.0%

SPOT 1.5-m - Jan 18, 2019
Res: 1.50m | Inc Ang: 16.3° | Cloud: 0.1%

SPOT 1.5-m - Jan 18, 2019
Res: 1.50m | Inc Ang: 16.3° | Cloud: 0.1%

SPOT 1.5-m - Jan 18, 2019
Res: 1.50m | Inc Ang: 17.2° | Cloud: 0.1%

SPOT 1.5-m - Jan 18, 2019
Res: 1.50m | Inc Ang: 17.2° | Cloud: 0.1%

SPOT 1.5-m - Dec 15, 2019

RESOLUTION: 1.5M

**TIME WINDOW: 18TH JAN. 2019 TO
30TH JAN, 2019**

CLOUD COVER: 0.0 – 0.1%

AREA COVER: 1868 SQ. KM

GAP AREA: 0 SQ. KM



COST: 4.20 EURO / SQ. KM = RS. 6, 66, 876/-

DATA AVAILABILITY
SOUTH WEST KHASI
HILLS, MEGHALAYA

**SOUTH WEST KHASI HILLS,
MEGHALAYA**

YEAR - 2018

RESOLUTION : 0.5M

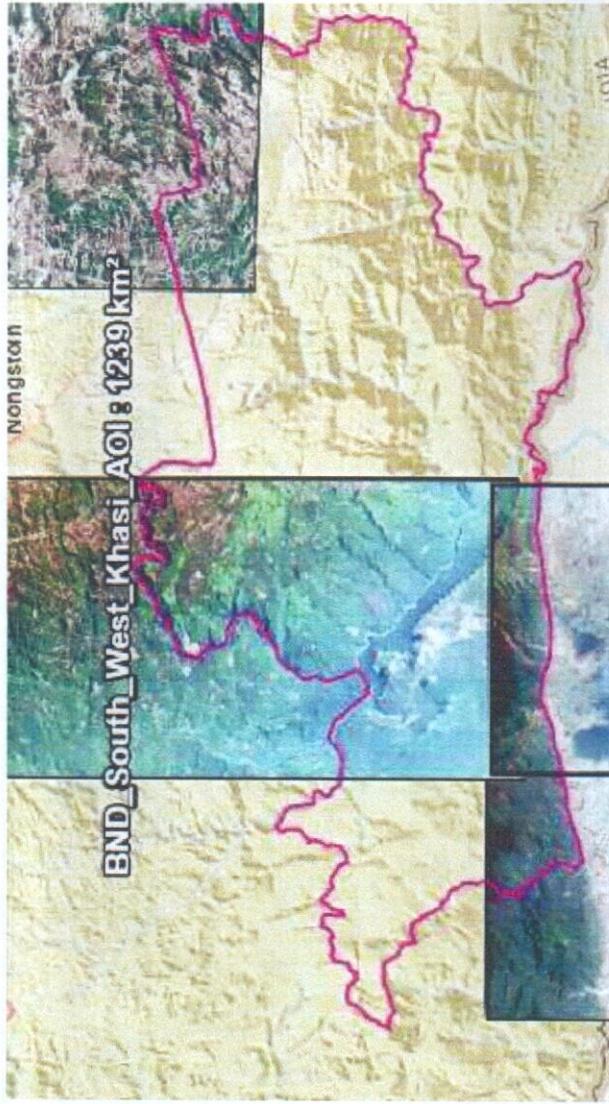
**TIME WINDOW: 20TH NOV. 2018 TO
29TH DEC, 2018**

CLOUD COVER: 0.0 – 0.6%

AREA COVERAGE: 575 SQ. KM

GAP AREA: 664 SQ. KM

- Pléiades 0.5-m - Dec 29, 2018**
Res: 0.50m | Inc Ang: 0.7° | Cloud: 0.0%
- Pléiades 0.5-m - Dec 29, 2018**
Res: 0.50m | Inc Ang: 4.8° | Cloud: 0.0%
- Pléiades 0.5-m - Dec 22, 2018**
Res: 0.50m | Inc Ang: 13.5° | Cloud: 0.0%
- Pléiades 0.5-m - Nov 20, 2018**
Res: 0.50m | Inc Ang: 15.3° | Cloud: 0.6%



COST: 11 EURO/ SQ. KM = RS,5,37, 635/-

SOUTH WEST KHASI HILLS, MEGHALAYA

YEAR - 2018

RESOLUTION: 1.5M

SPOT 1.5-m - Dec 10, 2018
Res: 1.50m | Inc Ang: 9.7° | Cloud: 0.0%

SPOT 1.5-m - Dec 10, 2018
Res: 1.50m | Inc Ang: 9.7° | Cloud: 0.0%

SPOT 1.5-m - Dec 10, 2018
Res: 1.50m | Inc Ang: 8.8° | Cloud: 0.0%

SPOT 1.5-m - Dec 10, 2018
Res: 1.50m | Inc Ang: 8.8° | Cloud: 0.0%

SPOT 1.5-m - Nov 1, 2018
Res: 1.50m | Inc Ang: 6.8° | Cloud: 0.3%

SPOT 1.5-m - Nov 1, 2018
Res: 1.50m | Inc Ang: 6.8° | Cloud: 0.3%

SPOT 1.5-m - Mar 18, 2018
Res: 1.50m | Inc Ang: 7.3° | Cloud: 0.8%

SPOT 1.5-m - Dec 23, 2018
Res: 1.50m | Inc Ang: 2.1° | Cloud: 1.0%

SPOT 1.5-m - Dec 23, 2018
Res: 1.50m | Inc Ang: 2.1° | Cloud: 1.0%

**TIME WINDOW: 18TH MARCH. 2018
TO 10TH DEC, 2018**

CLOUD COVER: 0.0%

AREA COVER: 1239 SQ. KM

GAP AREA: SQ. 0 SQ. KM



COST: 4.20 EURO/ SQ. KM=RS. 4,42, 323/-

SOUTH WEST KHASI HILLS, MEGHALAYA

YEAR - 2019

RESOLUTION : 0.5M

TIME WINDOW: 5TH JAN. 2019 TO
28TH DEC, 2019

CLOUD COVER: 0.0 – 9.2%

AREA COVERAGE: **925** SQ. KM

GAP AREA: **314** SQ. KM

Pléiades 0.5-m - Jan 17, 2019

Res: 0.50m | Inc Ang: 15.3° | Cloud: 0.0%

Pléiades 0.5-m - Dec 28, 2019

Res: 0.50m | Inc Ang: 13.9° | Cloud: 0.1%

Pléiades 0.5-m - Apr 18, 2019

Res: 0.50m | Inc Ang: 7.8° | Cloud: 2.0%

Pléiades 0.5-m - Apr 25, 2019

Res: 0.50m | Inc Ang: 15.2° | Cloud: 7.4%

Pléiades 0.5-m - Jan 5, 2019

Res: 0.50m | Inc Ang: 14.1° | Cloud: 9.2%



COST: 11 EURO / SQ. KM

SOUTH WEST KHASI HILLS, MEGHALAYA

YEAR - 2019

RESOLUTION: 1.5M

**TIME WINDOW: 31ST JAN. 2019 TO
24TH MARCH, 2019**

CLOUD COVER: 0.0%

AREA COVER: 1101 SQ. KM

GAP AREA: SQ. 138 SQ. KM

SPOT 1.5-m - Mar 24, 2019

Res: 1.50m | Inc Ang: 11.5° | Cloud: 0.0%

SPOT 1.5-m - Mar 24, 2019

Res: 1.50m | Inc Ang: 11.5° | Cloud: 0.0%

SPOT 1.5-m - Mar 24, 2019

Res: 1.50m | Inc Ang: 13.3° | Cloud: 0.0%

SPOT 1.5-m - Mar 24, 2019

Res: 1.50m | Inc Ang: 13.3° | Cloud: 0.0%

SPOT 1.5-m - Feb 7, 2019

Res: 1.50m | Inc Ang: 11.6° | Cloud: 0.0%

SPOT 1.5-m - Feb 7, 2019

Res: 1.50m | Inc Ang: 11.6° | Cloud: 0.0%

SPOT 1.5-m - Feb 7, 2019

Res: 1.50m | Inc Ang: 12.1° | Cloud: 0.0%

SPOT 1.5-m - Feb 7, 2019

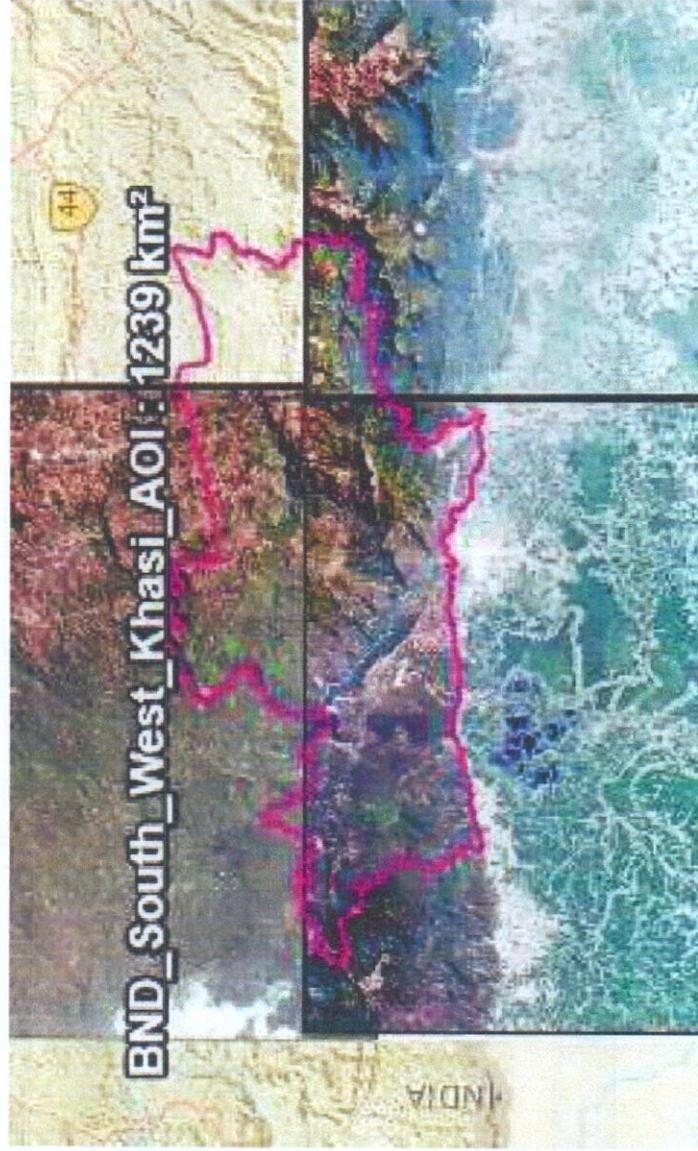
Res: 1.50m | Inc Ang: 12.1° | Cloud: 0.0%

SPOT 1.5-m - Jan 31, 2019

Res: 1.50m | Inc Ang: 5.9° | Cloud: 0.0%

SPOT 1.5-m - Jan 24, 2019

Res: 1.50m | Inc Ang: 9.7° | Cloud: 1.0%



COST: 4.20 EURO / SQ. KM

DATA AVAILABILITY

**WEST KHASI HILLS,
MEGHALAYA**

WEST KHASI HILLS, MEGHALAYA

YEAR - 2018

RESOLUTION : 0.5M

Pléiades 0.5-m - Dec 29, 2018
Res: 0.50m | Inc Ang: 11.1° | Cloud: 0.0%

Pléiades 0.5-m - Dec 29, 2018
Res: 0.50m | Inc Ang: 16.3° | Cloud: 0.0%

Pléiades 0.5-m - Dec 23, 2018
Res: 0.50m | Inc Ang: 6.7° | Cloud: 0.0%

Pléiades 0.5-m - Dec 23, 2018
Res: 0.50m | Inc Ang: 2.8° | Cloud: 0.0%

Pléiades 0.5-m - Dec 22, 2018
Res: 0.50m | Inc Ang: 13.5° | Cloud: 0.0%

Pléiades 0.5-m - Dec 10, 2018
Res: 0.50m | Inc Ang: 13.0° | Cloud: 0.0%

Pléiades 0.5-m - Dec 10, 2018
Res: 0.50m | Inc Ang: 3.8° | Cloud: 0.0%

Pléiades 0.5-m - Dec 9, 2018
Res: 0.50m | Inc Ang: 15.8° | Cloud: 0.0%

Pléiades 0.5-m - Dec 9, 2018
Res: 0.50m | Inc Ang: 15.2° | Cloud: 0.2%

Pléiades 0.5-m - Nov 20, 2018
Res: 0.50m | Inc Ang: 15.3° | Cloud: 0.6%

TIME WINDOW: 20TH JNFPV. 2018 TO
29TH DEC, 2018

CLOUD COVER: 0.0 – 0.6%

AREA COVERAGE: 2030 SQ. KM

GAP AREA: 1913 SQ. KM



COST: 11 EURO / SQ. KM = Rs.18,98,050/-

WEST KHASI HILLS, MEGHALAYA

YEAR - 2018

Res: 1.50m | Inc Ang: 6.8° | Cloud: 0.3%

SPOT 1.5-m - Jan 6, 2018

Res: 1.50m | Inc Ang: 8.0° | Cloud: 0.3%

SPOT 1.5-m - Jan 6, 2018

Res: 1.50m | Inc Ang: 8.0° | Cloud: 0.3%

SPOT 1.5-m - Mar 18, 2018

Res: 1.50m | Inc Ang: 7.3° | Cloud: 0.8%

SPOT 1.5-m - Dec 23, 2018

Res: 1.50m | Inc Ang: 2.1° | Cloud: 1.0%

SPOT 1.5-m - Dec 23, 2018

Res: 1.50m | Inc Ang: 2.1° | Cloud: 1.0%

SPOT 1.5-m - Jan 6, 2018

Res: 1.50m | Inc Ang: 5.5° | Cloud: 2.4%

SPOT 1.5-m - Jan 6, 2018

Res: 1.50m | Inc Ang: 5.5° | Cloud: 2.4%

SPOT 1.5-m - Oct 26, 2018

Res: 1.50m | Inc Ang: 2.4° | Cloud: 2.8%

SPOT 1.5-m - Oct 26, 2018

Res: 1.50m | Inc Ang: 2.4° | Cloud: 2.8%

SPOT 1.5-m - Feb 13, 2018

Res: 1.50m | Inc Ang: 14.0° | Cloud: 3.8%

RESOLUTION: 1.5M

**TIME WINDOW: 6TH JAN. 2018 TO
23RD DEC, 2018**

CLOUD COVER: 0.0 – 3.8%

AREA COVER: 3882 SQ. KM

GAP AREA: SQ. 61 SQ. KM



COST: 4.20 EURO / SQ. KM = RS.13,85,874/-

WEST KHASI HILLS, MEGHALAYA

YEAR - 2019

RESOLUTION : 0.5M

Pléiades 0.5-m - Jan 17, 2019
Res: 0.50m | Inc Ang: 14.3° | Cloud: 0.0%

Pléiades 0.5-m - Jan 11, 2019
Res: 0.50m | Inc Ang: 11.8° | Cloud: 0.0%

Pléiades 0.5-m - Jan 11, 2019
Res: 0.50m | Inc Ang: 7.3° | Cloud: 0.0%

Pléiades 0.5-m - Dec 28, 2019
Res: 0.50m | Inc Ang: 13.9° | Cloud: 0.1%

Pléiades 0.5-m - Mar 11, 2019
Res: 0.50m | Inc Ang: 3.0° | Cloud: 0.3%

Pléiades 0.5-m - Apr 18, 2019
Res: 0.50m | Inc Ang: 9.5° | Cloud: 1.3%

Pléiades 0.5-m - Apr 18, 2019
Res: 0.50m | Inc Ang: 7.8° | Cloud: 2.0%

Pléiades 0.5-m - Sep 21, 2019
Res: 0.50m | Inc Ang: 9.3° | Cloud: 4.3%

Pléiades 0.5-m - Mar 23, 2019
Res: 0.50m | Inc Ang: 10.9° | Cloud: 4.7%

Pléiades 0.5-m - May 14, 2019
Res: 0.50m | Inc Ang: 15.8° | Cloud: 4.8%

TIME WINDOW: 11TH JAN. 2019 TO
28TH DEC, 2019

CLOUD COVER: 0.0 – 4.7%

AREA COVERAGE: **2895** SQ. KM

GAP AREA: **1048** SQ. KM



COST: 11 EURO / SQ. KM = RS. 27, 06, 825/-

WEST KHASI HILLS, MEGHALAYA

YEAR - 2019

RESOLUTION: 1.5M

TIME WINDOW: 18TH JAN. 2019 TO
24TH MARCH, 2019

CLOUD COVER: 0.0 – 3.8%

AREA COVERAGE: 2603 SQ. KM

GAP AREA: SQ. 1340 SQ. KM

SPOT 1.5-m - Mar 24, 2019

Res: 1.50m | Inc Ang: 13.3° | Cloud: 0.0%

SPOT 1.5-m - Mar 24, 2019

Res: 1.50m | Inc Ang: 13.3° | Cloud: 0.0%

SPOT 1.5-m - Jan 25, 2019

Res: 1.50m | Inc Ang: 14.2° | Cloud: 0.0%

SPOT 1.5-m - Jan 25, 2019

Res: 1.50m | Inc Ang: 14.2° | Cloud: 0.0%

SPOT 1.5-m - Jan 18, 2019

Res: 1.50m | Inc Ang: 16.3° | Cloud: 0.1%

SPOT 1.5-m - Jan 18, 2019

Res: 1.50m | Inc Ang: 16.3° | Cloud: 0.1%

SPOT 1.5-m - Jan 18, 2019

Res: 1.50m | Inc Ang: 17.2° | Cloud: 0.1%

SPOT 1.5-m - Jan 18, 2019

Res: 1.50m | Inc Ang: 17.2° | Cloud: 0.1%

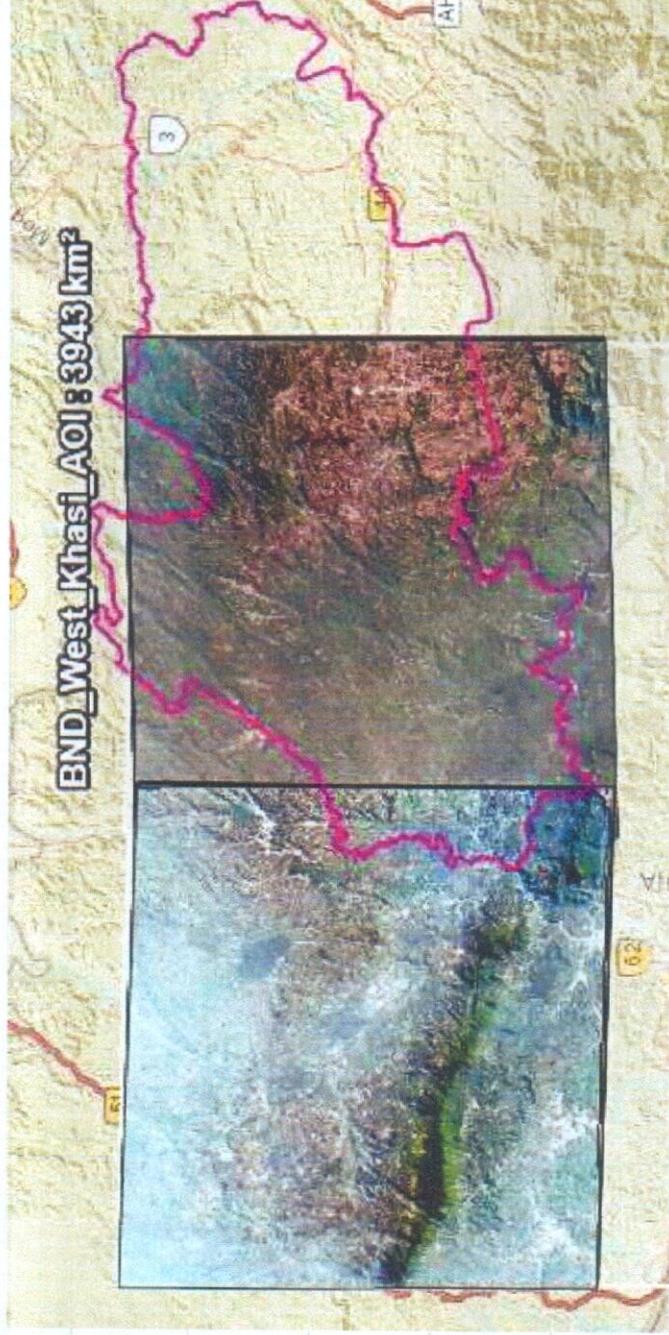
SPOT 1.5-m - Jan 24, 2019

Res: 1.50m | Inc Ang: 9.7° | Cloud: 1.0%

SPOT 1.5-m - Jan 11, 2019

Res: 1.50m | Inc Ang: 13.8° | Cloud: 1.6%

SPOT 1.5-m - Jan 11 2019



COST: 4.20 EURO / SQ. KM=RS. 9,29,721/-

BUDGET ESTIMATION

TOTAL AREA OF INTEREST (4 DISTRICT) = 9875 SQ.KM

AREA OF DATA AVAILABILITY (2018): 4840 SQ.KM

AREA OF DATA AVAILABILITY (2019): 4671 SQ.KM

TOTAL AREA 2018 & 2019 = 9601 SQ.KM

**BUDGET ESTIMATION: 0.5M RESOLUTION, @ 11 EURO/SQ. KM
(11X85 X 9601) = Rs. 89,76,935/-**

Sl. No.	Items	Total in Rupees
1.	a. Cost of Satellite data (0.5m resolution) (Excluding GST, Tax/royalty, Shipping, handling Charges etc.)	Rs. 89,76,935.00
2.	Hardware /system requirement	3,00,000.00
3.	Image Analysis, Preparation of Thematic Maps, collection of collateral data, GIS services etc.	8,00,000.00
4.	Report Writing, map printing, stationeries, contingency, Field verification (if reqd.) etc.	2,00,000.00
5.	Man Power (2-Project Assistance -12 months)	7,20,000.00
6.	15% Institutional over head (excluding Sl. No. 1 & 2)	2,58,000.00
Total Estimated Budget/cost (1 Crore twelve lakh fifty four thousand nine hundred thirty-five only)		1.12,54,935.00

PROJECT DURATION: 12 MONTHS

TOTAL AREA OF INTEREST (4 DISTRICT) = 9875 SQ.KM

AREA OF DATA AVAILABILITY (2018): 7351 SQ.KM

AREA OF DATA AVAILABILITY (2019): 7149 SQ.KM

TOTAL AREA 2018 & 2019 = 14,500 Sq.KM

**BUDGET ESTIMATION: 1.5M RESOLUTION, @ 4.20 EURO/SQ. KM
(4.20X 85 X 14500) = RS. 51,76, 500/-**

Sl. No.	Items	Total in Rupees
1.	a. Cost of Satellite data (1.5m resolution) (Excluding GST, Tax/royalty , Shipping, handling Charges etc.)	51,76, 500.00
2.	Hardware /system requirement	3,00, 000.00
3.	Image Analysis, Preparation of Thematic Maps, collection of collateral data, GIS services etc.	8,00, 000.00
4.	Report Writing, map printing, stationeries, contingency, Field verification (if reqd.) etc.	2,00, 000.00
5.	Man Power (2-Project Assistance -12 months)	7,20, 000.00
6.	15% Institutional over head (excluding Sl. No. 1 & 2)	2,58, 000.00
Total Estimated Budget/cost Seventy-four lakh fifty-four thousand five hundred only)		74,54,500.00

PROJECT DURATION: 12 MONTHS

- Query has been made to NRSC Hyderabad for availability of Archive Data better than 1m resolution of AOI.
- If archive data is available the cost will be less compare to foreign satellite data.
- Query has also been made for New tasking (capture the image of study Area) with better than 1m resolution
- The data will be very recent and may be of 2020, however, it may not fulfill as required by the committee.

Committee may take decision based on the above

TOTAL AREA OF INTEREST = 9875 SQ KM

उत्तर-पूर्वी अन्तरिक्ष उपयोग केन्द्र

भारत सरकार, अन्तरिक्ष विभाग
उमियम—793103, मेघालय
दूरभाष: 0364-2570141, 2570140
फैक्स: 0364-2570043
ईमेल: director@nesac.gov.in

NORTH EASTERN SPACE APPLICATIONS CENTRE

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Umiam - 793103, Meghalaya
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email: director@nesac.gov.in

श्री पी एल एन राजू / Shri P L N Raju
निदेशक / Director

क्रमांक/No. NESAC/CM-NGT/43.35 (A)/2020

दिनांक/Date: April 21, 2020

सेवा में/To,

Shri M. B. K. Reddy, IFS

Add.. Principal Chief Conservator of Forests (Planning, Development and Legal Matters)
Government of Meghalaya, Shillong

विषय/Subject : Reply to Para No. 1, 3, (a), (b), (c) page No. 33 and Para No. 4, (a), (b), (c) page 34 of the order of NGT, dated 17.01.2020 in OA, 110 (THC) / 2012, Chapter 6 summary of recommendation

Dear Sir,

This is further continuation of NESAC correspondence in connection with estimation of coal at coal depots addressing Para 4 (page 34) of NGT order dated January 17, 2020

According to the order of the **NGT dated 17.01.2020 in O A. No.110 (THC)/2012, 'Chapter 6: Summary of recommendations'**, the action items identified to be done/carried out by NESAC is furnished below:

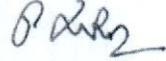
1. As per the para no. 1 (page-33), Mining & Geology Dept. Govt. of Meghalaya provided the locations (latitude & longitude) and other details of each dump where coal to be auctioned is located. Subsequently, NESAC prepared the georeferenced map depicting the locations of each of these dumps. During the preparation of georeference map, some errors are observed in the data and the same has been communicated to the Committee and Mining & Geology Dept. Govt. of Meghalaya along with feedback. During the 6th Special Sitting of the committee on 2nd March, 2020 at Orcid Lake Resort, Mining & Geology Dept. Govt. of Meghalaya informed that the errors in the data are in the process of correction.
2. As per the para no. 3, (a), (b), and (c) (page-33), the analysis of landuse / landcover of areas where the coal to be handed over to the Coal India Limited using high resolution satellite data is highly depend subject to the availability of cloud free satellite data (either Indian or foreign data) and other factors of the respective years (immediately before 17.04.2014 & 10.04.2019). In addition, feedback in terms of accuracy, feasibility has been communicated to the committee (**Mail dated 1st March, 2020 to meg.ngtforestenv@gmail.com**). NESAC delivered a power point presentation on availability of satellite data for the year 2018 and 2019 as suggested, estimated cost (approx.) and time frame for completion of this exercise during 7th Special Sitting of committee on 12th March, 2020.
3. Based on the said land use land cover analysis, the NESAC shall divide the coal available at each of the depot where the 32,56,715 MT coal is stated to be available into three categories namely:
 - a. Coal continuously existing at the depot since the ban on the illegal rat-hole mining was imposed by this Tribunal on 17.04.2014; (Para 2.20 (iv) (a))
 - b. coal dumped at the depot after the filing of additional affidavit before the Hon'ble Supreme Court on 10.04.2019; (Para 2.20 (iv) (b))
 - c. The coal dumped at the depot on any day between 17.04.2014 and 10.04.2019 (Para 2.20 (iv) (c))

As explained at sl. No. 2 NESAC submitted a proposal to carrying out landuse/landcover analysis using one time satellite data of 2018 and 2019 only due to limited availability of data for the area. It may be noted that landse/landcover map provides area information, not the volume or quantity information. NESAC will not be able to take up quantifying coal available at the coal depots, specified as per the para 4 (a,b & c) page 34, considering technological limitations.

Put up for kind perusal of the committee to take the decision for the task to be carried out by NESAC

सादर/With kind Regards,

भवदीय/Yours Sincerely



(पी एल एन राजु /P L N Raju)