

BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL ZONE BENCH AT DELHI****IA NO. 136/2024****IN****ORIGINAL APPLICATION NO. 59/2024 PZ****HASDEO ARAND BACHAO SANGHARSH SAMITI ... Intervenor***In the suo motu matter of :-***NEWS ITEM TITLED "DEFORESTATION FOR MINING RESUMES IN HASDEO LOCALS ACTIVISTS ALLEGE DETENTION" APPEARING IN THE HINDU DATED 22.12.2023****INDEX COMPILATION**

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The index is filed on the 24th day of April, 2025 at New Delhi**Counsels for Intervenor****SHALINI GERA**
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BEFORE THE NATIONAL GREEN TRIBUNAL**PRINCIPAL ZONE BENCH AT DELHI****IA NO. 136/2024**

IN

ORIGINAL APPLICATION NO. 59/2024 PZ**HASDEO ARAND BACHAO SANGHARSH SAMITI**

Through Jainandan Porte s/o Sukul Ram, age 40 years

r/o village Ghatbarra, Tehsil Udaipur,

District Surguja, Chhattisgarh

... Intervenor/ Applicant

*In the suo motu matter of :-***NEWS ITEM TITLED "DEFORESTATION FOR MINING RESUMES****IN HASDEO LOCALS ACTIVISTS ALLEGE DETENTION"****APPEARING IN THE HINDU DATED 22.12.2023****SUBMISSIONS ON BEHALF OF INTERVENOR PURSUANT TO****ORDER DATED 06.02.2025**

MOST RESPECTFULLY SHEWETH:

1. This Hon'ble Tribunal has taken *suo motu* cognizance of the news article*"Deforestation for mining resumes in Hasdeo, Locals Activists allege*

detention”, which referred to the ongoing tree-felling operations in Hasdeo Arand forests in furtherance of coal mining activity, and has instituted the present Original Application number 59/2024 (PZ). The said news article took note of the popular and widespread protests against deforestation by the mainly *Adivasi*, forest-dwelling villagers.

2. The Applicant Organization is comprised of villagers living in the Hasdeo Arand forest area who are affected by the ongoing and proposed coal mining in the various coal blocks situated in the Hasdeo Arand forest, and as such, is directly affected by the current proceedings before this Hon’ble Tribunal. The Applicant Organization wishes to assist the Hon’ble Tribunal in the adjudication of this matter by bringing some salient features to light, relating to the impact of ongoing mining on the environment and inhabitants of the area.
3. By way of order dated 06.02.2025, this Hon’ble Tribunal granted the Applicant liberty to verify and place on record the status and details of the pending matters stated by the Respondent No.4 to be connected to the subject matter of the present *suo motu* proceedings.
4. At the outset, it is submitted that the claim of Respondent No.4 that there are three judicial proceedings pending pertaining to the issue before this Hon’ble

Tribunal is erroneous and devoid of any merit. In the alternative, the existence of pending proceedings that pertain to the PEKB coal block will not bar the present tribunal from adjudicating upon the illegality of the deforestation which forms the subject matter of the present *suo motu* proceedings.

5. The Applicant reiterates that its submissions in the present matter pertain to lack of compliance of necessary conditions by the Project Proponent and Respondent Authorities prior to initiating tree-felling operations in the Hasdeo Arand forest. Specifically, the Applicant's submissions seek to highlight the following: -

- a) Lack of compliance with the Wildlife Conservation Plan as noted in the Certified EC Compliance Report dated 21.11.2016 and MoEFCC Inspection Report dated 18.09.2017
- b) Lack of compliance with recommendations made in the Biodiversity Assessment Report, 2021 as noted in EIA Report and EMP for expansion of PEKB from 15 MTPA to 21 MTPA, for study period March to May 2021.
- c) No construction of onsite FBC Thermal Power Plant based on coal rejects, resulting in road transportation of coal rejects for their disposal as noted in EC Compliance report dated 19.01.2022.

d) Wilful non-compliance with various Environmental clearance conditions including but not limited to, construction of 100 bedded hospital.

6. With regard to the pending proceedings allegedly pertaining to the issue before this Hon'ble Tribunal, information regarding the same on the basis of the Applicant's personal knowledge and information in the public domain is given below:-

S.NO	CASE	FORUM	OBSERVATION
1.	Writ Petition (Civil) No. 510 of 2023 Sudiep Shrivastava v. Union of India	Hon'ble Supreme Court of India	Grounds regarding non-compliance of Wildlife Conservation Plan, failure to construct 100 bedded hospital and failure to construct onsite FBC Thermal Power Plant have not been urged by the Petitioner.
2.	Writ Petition (Civil) No. 1346 of 2016	Chhattisgarh High Court	i) Present Applicant who is a Petitioner before the Hon'ble High Court has only raised grounds

	<p>Forest Rights Committee v. Union of India & Ors.</p>		<p>pertaining to failure to grant rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The act is not within the jurisdiction of this Hon'ble Tribunal.</p> <p>ii) Amendment challenging MoEFCC order dated 02.02.2022, State Government approval dated 25.03.2022 and APCCF permission dated 05.05.2024 allowed only on 02.05.2024 i.e. subsequent to <i>suo motu</i> cognizance being taken by the present Tribunal.</p>
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3.	Original Application No. 05 of 2025 Anita & Anr. V. State of Chhattisgarh	National Green Tribunal, Central Zone	<p>(i) 7-member joint committee appointed by MoEFCC which admittedly only reviewed documents (Permission accorded by MoEFCC on 02.02.2022 and the State of Chhattisgarh on 25.03.2022, followed by consequential orders by APCCF (Production) and CCF Surguja), and did not conduct a field visit.</p> <p>(ii) Alleged lack of compliance by Respondent authorities cannot be adjudicated upon by the Respondent authorities as a judge in their own cause.</p> <p>(iii) In the absence of the Applicant and any neutral presence in the Joint Committee,</p>
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			there has been no judicial determination of lack of compliance with necessary conditions prior to deforestation.
4.	Miscellaneous Application No. 12 of 2024 (CZ) in Appeal No. 16 of 2019 (CZ)	National Green Tribunal, Central Zone	Pertains to an entirely separate coal block i.e. Parsa and has no bearing on the present proceedings.

7. It is reiterated that the Applicant endeavours to highlight that the manner in which the Project Proponent and Respondent authorities are engaged in carrying out deforestation and mining activities in the Hasdeo Arand forests is causing grave and irreparable damage to the fragile ecosystem in the PEKB block. Flagrant violations of essential conditions imposed by various Respondent authorities by the Project proponent, and the condonation of the same by the former endangers the local populations and their future utilisation of the forest and its resources.

APPLICANT

FILED BY:

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Proof of ~~Service~~ **2614**

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Service of Submissions on behalf of Applicant (IA 136/2024): OA No. 59 of 2024

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Thu, Apr 24, 2025 at 9:22 AM

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**Intervenor Submissions 24.04.2025.pdf**

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