

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO: 104 OF 2018**

IN THE MATTER OF:-

SHIVPAL BHAGAT & ORS.

...APPLICANT

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

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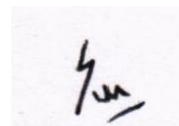
THROUGH



RITWICK DUTTA



RAHUL CHOUDHARY



**SAURABH SHARMA
ADVOCATES**

Counsels for Applicant
N-71, Lower Ground Floor, Greater Kailash-I,
New Delhi- 110048

**NEW DELHI
DATE: 22.06.2021**

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO: 104 OF 2018**

IN THE MATTER OF:-

SHIVPAL BHAGAT & ORS.

...APPLICANT

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

**WRITTEN SUBMISSION ON BEHALF OF THE APPLICANTS TO THE REPORT
DATED 16.04.2021 SUBMITTED BY CPCB**

MOST RESPECTFULLY SHOWETH:-

1. That the Applicants have filed the present Original Application seeking directions to Respondents with respect to remediation of environment including soil, water and air, in villages Kosampalli, Dongamahua, Kodkel, Kunjemura and Regaon. Nagmuda, Milupara ,Sakta which fall under the Tamnar Block, as well as Bhengari, Charmar, Khokroama and Tendनावapara, Chal etc of Ghargoda block, which has, over the years, been severely damaged by mines, thermal power plants, coal washeries and other such industries operating in these villages. The contents of the accompanying Original Application be read as part and parcel of this Submission and the same are not been reproduced for the sake of brevity.

**COMMITTEE HAS WRONGLY QUOTED THE WRITTEN SUBMISSIONS OF
THE APPLICANTS ON PAGE 1 OF IT'S REPORT**

2. That it is stated that the committee has wrongly quoted the written submissions of the applicants on page 1 of its report. The committee states:

"...applicant by way of written submission filed on 18.11.2020, inter-alia to the effect that contaminated sites be seen, fly ash dumping in low

lying areas be ensured and such dumping should not be in unscientific manner."

Furthermore, the committee states on page 1 of it's report that the applicant made written submission to the effect:

"Coal transportation by trucks must be done on scientific basis and transportation by conveyor belts be preferred."

It is stated that a perusal of Written Submission dated 18.11.2020 shows that the Applicants have nowhere made the above submissions. Infact the Applicant had even filed an IA No. 25/2021 on 27th January, 2021 for Modification of Order dated 20.11.2020 and Urgent Directions. Copy of the IA No. 25/2021 filed in the present case is annexed herewith as **ANNEXURE-A1**

3. That it is submitted that vide it's order dated 20.11.2020 this Hon'ble Tribunal has mentioned in para 6 of it's order:-

"6. Further, the applicant has given suggestions by way of written submission filed on 18.11.2020, inter-alia to the effect that contaminated sites be seen, **fly ash dumping in low-lying areas be ensured and such dumping should not be in unscientific manner...**"

(Emphasis supplied)

Copy of the Order dated 20.11.2020 passed by this Hon'ble Tribunal is annexed herewith as **ANNEXURE-A2**

4. That it is stated that in the suggestions dated 18.11.2020 the Applicant has not made any such submission that "**fly ash dumping in low-lying areas be ensured and such dumping should not be in unscientific manner**" or "**Coal transportation by trucks must be done on scientific basis and transportation by conveyor belts be preferred.**"

Copy of the Written Submission/suggestion dated 18.11.2020 filed on behalf of the Applicants is annexed herewith as **ANNEXURE-A3**

5. That it is also important to mention here that CPCB on behalf of the Committee filed a Report dated 14.10.2019 on 15.10.2019 before this Hon'ble Tribunal which was accepted vide Order dated 27.02.2020 by holding that the recommendations are based on relevant studies and need to be implemented. The Committee has categorically given a short term recommendation that **"no further disposal of fly ash in low-lying areas by TPP/CPP companies to be permitted"**.

The Order dated 27.02.2020 passed by this Hon'ble Tribunal is as follows:-

"4. Recommendations are based on relevant studies and need to be implemented by the concerned power plants and mines in the area for protection of environment and the public health and environmental rule of law..."

...

b. Given the seriousness of improper fly ash dumping in low lying areas, and the practical difficulty in rigorously monitoring the implementation of the recent SOP in the field, no further disposal of fly ash in low-lying areas by TPP/CPP companies to be permitted and all Gram Panchayats in Raigarh district to be directed to stop issuing NOCs for the same.

Copy of the Order dated 27.02.2020 passed by this Hon'ble Tribunal is annexed herewith as **ANNEXURE-A4.**

6. That in light of the above categorical short term recommendation of the Committee highlighting the seriousness of improper fly ash dumping in low lying areas, and the practical difficulty in rigorously monitoring the implementation of the recent SOP in the field and recommending that no further disposal of fly ash in low-lying areas by TPP/CPP companies to be permitted and all Gram Panchayats in Raigarh district to be directed to stop issuing NOCs for the same, it is important to urgently modify the Order dated 20.11.2020 because the said line **"fly ash dumping in low-lying areas be ensured and such dumping**

should not be in unscientific manner” is clearly against the short term measures recommended by the Committee in its Report dated 14.10.2019.

7. That the Applicants would like to put in on record that the committee has deliberately mis-quoted applicants’ submission. Nowhere in their submissions on 18.11.2020 or before, have the Applicants sought for fly ash dumping in low lying area or such dumping in a scientific manner. On the contrary, the Applicants have on several occasions demanded a complete ban on fly ash dumping in low lying area. Similarly, the Applicants have nowhere sought for transport of coal by road and also highlighting that such transport is in violation of the EC conditions to the power plants.

RESPONSE TO THE COMPLIANCE STATUS CHART PRESENTED IN THE COMMITTEE’S REPORT:

On Short-term measures:

Requiring all coal mines in Raigarh district to accept fly ash for disposal through OB dump and back-filling.

8. In response to the order of Hon’ble NGT with respect to “Requiring all coal mines in Raigarh district to accept fly ash for disposal through OB dump and back-filling. (Action by respective Coal mine companies).” The Committee has merely listed the status and directions given to various agencies but **has failed to provide a timeline when the action will be achieved**. Furthermore, the letter sent by CPCB to the CECB dated 26th February 2021 (Annexure V) with the Report has once again misquoted the Hon’ble NGT’s order seemingly making it sound that Hon’ble NGT is allowing fly ash dumping in the low-lying area as long as it is done in “scientific” manner. The Applicants strongly condemn this letter by CPCB dated 26th February 2021 as it is mischievous and aimed to protect the violators. The Applicants reiterate that there should be **no dumping of fly ash in low lying area**. It is prayed that the Hon’ble NGT should take action on the committee and CPCB officials for misrepresenting such serious issue that has far reaching environmental and health consequences for District Raigarh. It is also important to mention here that CPCB on behalf of the Committee filed a Report

dated 14.10.2019 on 15.10.2019 before this Hon'ble Tribunal which was accepted vide Order dated 27.02.2020 by holding that the recommendations are based on relevant studies and need to be implemented. The Committee has categorically given a short term recommendation that **"no further disposal of fly ash in low-lying areas by TPP/CPP companies to be permitted"**. Therefore, when the recommendations of the Committee to the above effect have been accepted by this Hon'ble Tribunal vide its Order dated 27.02.2020 and there is no rhyme or reason as to why this short term recommendation is misconstrued by CPCB

9. That as per the Compliance Review Status as on 15.03.2021 on this point, it is responded by the Committee that

"Two SECL mines (IV/2,3) and one JPL mine (IV/1) are accepting fly ash. Letters were issued to SECL Chaal OC, Monnet Ispat, HINDALCO Limited and M/s Ambuja Cement Ltd. M/s HINDALCO mines informed about no OB dump because of continuous back filling of mined area with OB as per Approved mining plan. M/s Monnet Ispat Mines has been taken over by SECL. No response received from M/s Ambuja Cement Limited."

The above compliance Response shows that there is no response from SECL Chaal OC, Monnet Ispat and M/s Ambuja Cement Ltd on this issue. No action has been recommended against those companies who have not responded on this issue.

10. That as per the Compliance Review Status as on 15.03.2021 on this point, it is stated by the Committee that:

"MoEF &CC vide its notification dated 28th August 2019 has modified the conditions stipulated in the EC of TPP and coal mines in line with the fly ash notification and subsequent amendment. It has been mentioned in point no 7 that ministry has stipulated the conditions which prohibited the use of fly ash in abandoned mines/low lying area/ soil conditioner in agriculture following the guide lines prepared by CPCB. **Accordingly CECB shall amend the consent conditions of all TPP and Coal Mine.** More over CEA vide its letter dated 14.02.2020 has informed about declaration of abandoned mines on recommendation of task force. The list includes 24 abandoned OC mines of Chhattisgarh to be used for filling of fly ash generated from TPP. The committee has suggested to Chairman, Chhattisgarh Environment Conservation Board for constitution of State Level Committee to decide the mode and quantity of fly ash to be disposed in working/ abandoned mines/quarries in the State. The same committee may also look after the fly ash disposal issues in Raigarh also

on priority. Copy of the letter issued to Chairman, CECB, Raipur, is placed at **Annexure-V. Action from CECB is awaited.** "

It is stated that No action has been taken by CECB as no document has been filed by committee showing that CECB has amended the consent conditions of all TPP and Coal Mine as per MoEF&CC's notification dated 28th August 2019 whereby the conditions stipulated in the EC of TPP and coal mines and it has been mentioned in point no. 7 that ministry has stipulated the conditions which prohibited the use of fly ash in abandoned mines/low lying area/ soil conditioner in agriculture following the guide lines prepared by CPCB.

SUGGESTED ACTIONS:

- (i) The Applicants reiterate that there should be No dumping of fly ash in low lying area as has been accepted by this Hon'ble Tribunal vide it's Order dated 27.02.2020 and the Order dated 20.12.2020 be clarified in this regard and directions be issued to the Oversight Committee in this regard.
- (ii) CECB be directed to amend the consent conditions of all TPP and Coal Mine as per MoEF&CC's notification dated 28th August 2019 as mentioned in the Report of the Oversight Committee.
- (iii) The Hon'ble NGT should direct for a clean up of the Fly Ash, since the monsoon rains will start soon and again the legacy ash dump sites will pollute the river and agricultural land.
- (iv) Disposal of fly ash has been observed by the Committee at 1) Outside TRN Power ash dyke (By TRN Energy Private Limited), 2) In Tenda village (By TRN Energy Private Limited), 3) Outside the Mahaveer Energy (By Mahavir Energy & Coal beneficiation Limited) but no punitive action or plan for mitigation has been provided. Immediate clean up these sites be ordered and environmental damages be imposed. **(Page 8, point 2 of the Report).**

Requiring that whatever coal is being supplied to JPL and JSPL from Gare Palma IV/2&3 should be transported through the already existing closed conveyor belts and no such coal transport should be allowed via trucks.

11. That on the issue of compliance of "Requiring that whatever coal is being supplied to JPL and JSPL from Gare Palma IV/2&3 should be transported through the already existing closed conveyor belts and no such coal transport should be allowed via trucks. (Action by SECL)" – the committee has **failed to report** if any coal transportation is taking place through the road or take any action on the violators transporting coal through Road. Committee has provided selective data on coal received via conveyor belt, but that data is insufficient to confirm if coal transportation took place via roads. By the selective response of the committee, it looks like the committee is not reporting an ongoing violation and trying to protect the violators.

Establishment of monitoring cell by PHED to monitor water quality being used by the residents of villages

12. That on the issue of compliance of water monitoring cell by PHED, the committee's response is ambiguous and does not address the orders of the Hon'ble NGT. The committee has not clarified if the Hon'ble NGT's order of establishing a monitoring cell has been complied with. Furthermore, the committee has **failed to provide any details** of the groundwater treatment facilities set up in the region as per the Hon'ble NGT order. The **committee seems to have shifted the onus on PHED and Hindalco but has failed to carry on its mandate** to provide a time-bound progress and status on the issue.

Installation of adequate number of CCTV and CAAQM stations in coal mining area.

13. That the committee's action and response on ensuring the **installation of the CAAQMS is unsatisfactory** as the Compliance Review Status as on 15.03.2021 on this point given by the Committee is as under:-

In case of installation of CAAQMS committee has instructed Member Secretary, Chhattisgarh Environment Conservation Board to issue directions to all coal mines for installation of CAAQMS and its connectivity with CPCB/CECB server. Copy of the letter is placed at **Annexure-VI**. Status of the same is awaited from MS, CECB, Raipur.

14. That the instructions of installation of CAAQMS have already been given by the Hon'ble NGT. The committee had to ensure that it is implemented in a time-bound manner. Instead of doing that, the committee has duplicated the Hon'ble NGT's order by again giving instructions to the state. These instructions are meaningless as they do not have any definite timeline or explanation of consequences for this non-compliance. The Hon'ble NGT should ask the committee on a specific time when the implementation of this direction will be done.

Proper repairing and maintenance of roads both inside and outside the mine area to ensure smooth movement of trucks and other load carrying vehicles

15. That on perusal of the Compliance Review Status as on 15.03.2021 on this point given by the Committee is as under:-

"No response has been received from PS, PWD, Chhattisgarh"

16. That the committee has identified the non-compliance by PWD on the issue of need for proper repairing and maintenance of roads both inside and outside the mine area to ensure smooth movement of trucks and other load carrying vehicles. The Applicant's pray to the Hon'ble NGT to take immediate action on this matter.

SUGGESTED ACTIONS:

Committee had also visited the new operations at Gare Pelma Sector 3 which is under the Chhattisgarh State Power Generation limited and there too the trucks are using the said road, which the Hon'ble NGT had directed to be made from Raigarh to Milupara, but no mention of such violations have been made in the Report. It is suggested that there should be proper

repairing and maintenance of roads both inside and outside the mine area to ensure smooth movement of trucks and other load carrying vehicles

Proper and free health care facilities with multispecialty treatment system may be provided in all coal mine-adjacent villages as per the recommendations of the committee report of 14.6.2019 in the Dukalu Ram (OA 314/2014 CZ) case.

17. That on this issue the **committee has not provided any compliance report** but once again passed the responsibilities to other agencies and been ambiguous on such a critical issue. Since the order in 2019, another health study from Indian Council for Medical Research (ICMR) study has been published from the region in 2020 that highlights the precarious health conditions in the region due to mining activities. The report finds that, *"Nearby mining activities put the tribal population of Raigarh at increased risk of diseases such as acute respiratory infection (ARI), tuberculosis, road traffic accident (RTA), etc. Apart from environmental health hazards, undernutrition increases the risk further for various diseases."*

Copy of the relevant pages of the Health study from Indian Council for Medical Research (ICMR) study, 2020 is annexed herewith as **ANNEXURE-A5**

SUGGESTED ACTION:

Proper and free health care facilities with multispecialty treatment system may be provided in all coal mine-adjacent villages as per the recommendations of the committee report of 14.6.2019 in the Dukalu Ram (OA 314/2014 CZ) case.

Strict vigilance by MOEF&CC for green belt development compliance as per EC conditions

18. That on perusal of the Compliance Review Status as on 15.03.2021 on this point given by the Committee is as under:-

"MoEF&CC has issued letters to all coal mines for submitting updated status of green belt developed. Responses received are being compiled and submitted in next meeting of the committee"

It is stated that the committee's response is ambiguous on the green belt compliance and fails to provide any definite data on Green Belt compliance issue.

SUGGESTED ACTION:

MoEF&CC be directed to forthwith submit the data on Green Belt development before the Hon'ble Tribunal with respect to District Raigarh.

ON LONG TERM MEASURES:

19. On the issue of "Commissioning a detailed and comprehensive environmental load carrying capacity study" the committee informs that it has invited NEERI to conduct such study. While reading the documents and minutes submitted by the committee it seems that there was no consultation on this matter within the committee members and this decision was arbitrarily made by CECB. Dr. Sharachchandra Lele, one of the committee members has mentioned the following while signing the minutes of the meeting – **"Do not agree to para 6 on page 10, which has not at all been discussed in the Committee"**. The para he is referencing to states the following:

"CECB vide its letter dated 31.03.2021 has invited proposal from NEERI, Nagpur for conducting Carrying capacity study in Tamnar & Gharghoda Blocks of District Raigarh. The Technical and Commercial proposal is to be provided by NEERI, Nagpur within 15 days."

20. That it is stated that such a critical study that has implications on environment and people in the region cannot be decided in an arbitrary manner and without a consensus. This is against the very purpose for which the committee was set up.
21. On the other long term measures the committee has clearly documented violations, non-compliance and no progress and hence Applicants request the Hon'ble NGT to take strict punitive action on the violators since committee has failed to recommend so despite the documented violations.

ON FIELD OBSERVATIONS & RECOMMENDATIONS

22. The committee's field observations record the ongoing violations of TRN and Mahavir with respect to fly ash dumping and non-co-operation by SECL and despite this the committee has not recommended any action on them.
23. Further reading of the "Minutes of the meeting of Oversight Committee appointed by Hon'ble NGT vide order dated 27.02.2020 in OA No. 104/2018 Shivpal Bhagat & Ors. Vs Union of India & Ors." In Annexure 2 indicates that there has been no progress made in the implementation of the NGT order since 2020. It is also important to find that a committee member has pointed out that the rest of the committee seems to have mis-understood Hon'ble NGT and applicant's position on the fly ash dumping in the low-lying area issue.
24. The committee has not provided any update on the action points sought during the field visit (Annexure IV). There is no information on what transpired after violations of EC conditions were recorded during the site visit of March 2021. **In fact the site visit report – Annexure IV is very critical as it showcases the real on-ground situation in the region. It is stated that several EC violations have been recorded by the committee but no action has been proposed /recommended by the Committee against the violators.**

SUGGESTED ACTION:

- a. Impose Environmental damages on the units found in violation of EC conditions as several EC violations have been recorded by the committee but no action has been proposed /recommended by the Committee against the violators.
- b. .Address the issue of fires in the overburden dumps in all operations, which has been left unaddressed.
- c. Committee be directed to present plan for water recharge

- d. Effulents and coal discharge was noticed in the river and nallas. No measure and punitive action has been suggested for that. This issue may kindly be addressed.
- e. The field visit reports of the Oversight Committee should be cross-verified with the actual action taken and compliance of the recommendations.
- f. The field visits should be more regular and the report of the Oversight Committee should be placed in Public Domain so that the work done so far and the status of action taken is made public.

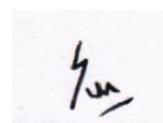
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RITWICK DUTTA



RAHUL CHOUDHARY



**SAURABH SHARMA
ADVOCATES**

Counsels for Applicant N-71,
Lower Ground Floor, Greater Kailash-I,
New Delhi- 110048

Annexure A-1**BEFORE THE NATIONAL GREEN TRIBUNAL****PRINCIPAL BENCH AT NEW DELHI****IA.NO. OF 2021****IN****ORIGINAL APPLICATION NO: 104 OF 2018****IN THE MATTER OF:-**

SHIVPAL BHAGAT & ANR

...APPLICANT

VERSUS

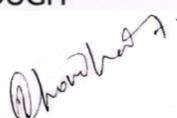
UNION OF INDIA & ORS

...RESPONDENTS

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THROUGH


RITWICK DUTTA RAHUL CHOUDHARY SAURABH SHARMA
ADVOCATES

Counsels for Applicant
N-71, Lower Ground Floor, Greater Kailash-I,
New Delhi- 110048

New Delhi

Date: 27.01.2021

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

IA.NO. OF 2021

IN

ORIGINAL APPLICATION NO: 104 OF 2018

IN THE MATTER OF:-

SHIVPAL BHAGAT & ANR

...APPLICANT

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

APPLICATION FOR MODIFICATION OF ORDER DATED 20.11.2020 AND

URGENT DIRECTIONS ON BEHALF OF APPLICANTS

Most Respectfully Showeth:-

1. That the abovementioned Original Application has been filed praying, inter-alia, to give directions to Respondents with respect to remediation of environment including soil, water and air, in villages Kosampalli, Dongamahua, Kodkel, Kunjemura and Regaon. Nagmuda, Milupara, Sakta which fall under the Tamnar Block, as well as Bhengari, Charmar, Khokroama and Tendनावapara, Chal etc of Ghargoda block, which has, over the years, been severely damaged by mines, thermal power plants and coal washeries operating in these villages/Blocks of District Raigarh, Chhattisgarh
2. That it is submitted that vide it's order dated 20.11.2020 this Hon'ble Tribunal has mentioned in para 6 of it's order:-

"6. Further, the applicant has given suggestions by way of written submission filed on 18.11.2020, inter-alia to the effect that contaminated sites be seen, **fly ash dumping in low-lying areas be ensured and such dumping should not be in unscientific manner...**"

(Emphasis supplied)

Copy of the Order dated 20.11.2020 passed by this Hon'ble Tribunal is annexed herewith as **ANNEXURE-A1**

3. That it is stated that in the suggestions dated 18.11.2020 the Applicant has not made any such submission that **"fly ash dumping in low-lying areas be ensured and such dumping should not be in unscientific manner"**

Copy of the Written Submission/suggestion dated 18.11.2020 filed on behalf of the Applicants is annexed herewith as **ANNEXURE-A2**

4. That it is also important to mention here that CPCB on behalf of the Committee filed a Report dated 14.10.2019 on 15.10.2019 before this Hon'ble Tribunal which was accepted vide Order dated 27.02.2020 by holding that the recommendations are based on relevant studies and need to be implemented. The Committee has categorically given a short term recommendation that "no further disposal of fly ash in low-lying areas by TPP/ CPP companies to be permitted". The Order dated 27.02.2020 is as follows:-

"4. Recommendations are based on relevant studies and need to be implemented by the concerned power plants and mines in the area for protection of environment and the public health and environmental rule of law..."

...

b. Given the seriousness of improper fly ash dumping in low lying areas, and the practical difficulty in rigorously monitoring the implementation of the recent SOP in the field, no further disposal of fly ash in low-lying areas by TPP/ CPP companies to be permitted and all Gram Panchayats in Raigarh district to be directed to stop issuing NOCs for the same.

5. That in light of the above categorical short term recommendation of the Committee highlighting the seriousness of improper fly ash dumping in low lying areas, and the practical difficulty in rigorously monitoring the implementation of the recent SOP in the field and recommending that no further disposal of fly ash in low-lying areas by TPP/ CPP companies to be permitted and all Gram Panchayats in Raigarh district to be directed to stop issuing NOCs for the same, it is important to urgently modify the Order dated 20.11.2020 because the said line **"fly ash dumping in low-lying areas be ensured and such dumping should not be in unscientific manner"** is clearly against the short term measures recommended by the Committee in it's Report dated 14.10.2019.
6. That it seems the said line in the Order dated 20.11.2020 has inadvertently been written. It is requested/prayed that the Order dated 20.11.2020 passed by this Hon'ble Tribunal requires to be modified and the said line **"fly ash dumping in low-lying areas be ensured and such dumping should not be in unscientific manner"** be very kindly be removed from the Order as it is suggesting that it is the stand of the Applicants that fly ash dumping in low-lying areas need to be ensured which is incorrect.

PRAYER

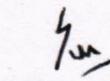
It is therefore, prayed that this Hon'ble Tribunal may be pleased to :-

Modify the Order dated 20.11.2020 and the said line **"fly ash dumping in low-lying areas be ensured and such dumping should not be in unscientific manner"** be very kindly be removed and urgent directions be issued to this effect immediately.

Pass any other orders as the Hon'ble Tribunal may deem fit and proper in facts and circumstances of the case.

Rinchin
RINCHIN
APPLICANT No.5

THROUGH



RITWICK DUTTA RAHUL CHOUDHARY SAURABH SHARMA

ADVOCATES

Counsels for Applicants
N-71, Lower Ground Floor, Greater Kailash-I,
New Delhi- 110048

New Delhi/Raigarh

Date: 20 JAN 2021





BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

I.A.NO. _____ OF 2021

IN

ORIGINAL APPLICATION NO: 104 OF 2018

IN THE MATTER OF:-

SHIVPAL BHAGAT & ANR

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...RESPONDENTS

AFFIDAVIT

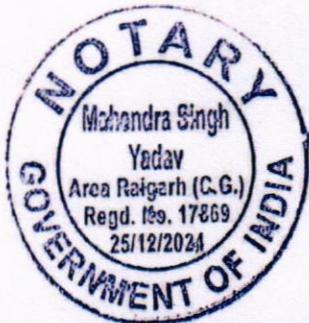
I, Rinchin, Daughter of Bina, age 45, C/o Narayan Kalanga, Village Sakta, Post Milupara, Tehsil Tamnar, District Raigarh, Chhattisgarh presently at Raigarh do hereby solemnly affirm and state as under:

1. That I am Applicant No.5 in the aforesaid matter and am well conversant with the facts and circumstances of the case and competent to swear this Affidavit..
2. That the contents of the accompanying Application are true and correct and nothing material has been concealed therefrom.

Rinchi
DEPONENT

VERIFICATION

Verified on this 20 JAN 2021 that the contents of the above mentioned affidavit are true and correct and nothing material has been concealed therefrom and no part of it is false.



Solemnly Affirmed of Sworn before me the with in named येरे समय इस दस्तावेज पर संश्लित व्यक्ति ने पढ़कर/पढ़ाकर शपथपूर्वक कथन आप कहा और इस दस्तावेज पर हस्ताक्षर/संगीत किया :

Mahendra Singh Yadav
NOTARY
Mahendra Singh Yadav
District Raigarh

Rinchi
DEPONENT

20 JAN 2021



ANNEXURE A-1

Item Nos. 02 & 03

Court No. 1

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

Original Application No. 104/2018
(M.A. No. 279/2018, M.A. No. 858/2018 & I.A. No. 382/2020)
WITH
Execution Application No. 05/2019
(With report dated 17.11.2020)

Shivpal Bhagat & Ors.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 20.11.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Mr. Saurabh Sharma, Advocate

Respondent(s): Mr. Kush Sharma, Advocate for CPCB

ORDER

1. The issue for consideration is the remedial action against pollution caused by the Thermal Power Plants, the coal washeries in Tamnar and Gharghoda blocks of Raigarh District in Chhattisgarh, including M/s Jindal Power Limited, M/s Jindal Power and Steel Limited, M/s TRN Energy Private Limited, M/s Mahavir Energy & Coal Benefaction Limited, M/s Hindalco Industries Limited and M/s. Monet Energy Limited, SECL. The operation of the said units is resulting in contamination of air, water and land and having adverse impact on the environment and the habitants. Water and soil have toxic metals having potential for health

hazard requiring monitoring of emissions, making the polluter accountable and regulating the polluting activities.

2. The matter has been considered earlier and under direction of this Tribunal, an Expert Committee furnished its report dated 14.10.2019 after visiting the sites and considering earlier reports on the subject. The Committee considered the mitigation measures required to be adopted by the Thermal Power Plants and the coal washeries. The Committee found that the issue of ground water depletion, soil pollution, forest loss and livelihood loss were required to be addressed for which short term and long terms measures were suggested. The Tribunal directed remedial action for dealing with the deficiencies having potential for damage to the environment. Further direction was to review the existing arrangements and furnishing a further report. The operative part of directions in the order dated 27.02.2020 is as follows:

“3. Accordingly, a report dated 14.10.2019 has been filed by the CPCB on behalf of the Committee on 15.10.2019. The Committee visited various sites and considered the earlier reports, including maps and the data of air quality as well as water pollution. The Committee then considered the mitigation measures prescribed and their current status including installation of Electro-Static Precipitators (ESPs) and Fluidized Gas Desulfurizers (FGDs) in the Thermal Power Plants. The committee also considered ground water depletion, soil pollution, forest loss and livelihood loss and after detailed study of various aspects made following recommendations:

“4. RECOMMENDATIONS:

Based on the above observations, the committee recommends a set of short-term and long-term measures.

4.1 Short-term measures

- a. *Requiring all coal mines in Raigarh district to accept fly ash for disposal through OB dump and back-filling. (Action by respective Coal mine companies).*
- b. *Given the seriousness of improper fly ash dumping in low lying areas, and the practical difficulty in rigorously monitoring the implementation of the recent SOP in the field, no further disposal of fly*

ash in low-lying areas by TPP/ CPP companies to be permitted and all Gram Panchayats in Raigarh district to be directed to stop issuing NOCs for the same.

- c. Requiring that whatever coal is being supplied to JPL and JSPL from Gare Palma IV/2&3 should be transported through the already existing **closed conveyor belts** and no such coal transport should be allowed via trucks. (Action by SECL).
- d. Establishment of monitoring cell by PHED to monitor water quality being used by the residents of villages and provide pretreatment facility and removal of geogenic contaminants and anthropogenic contaminants before its use as drinking water. Specifically, the quality of water treatment in the mine-supported water supply system in village Kondkhel needs to be ensured by PHED as per drinking water norms.
- e. Installation of adequate number of CCTV and CAAQM stations in coal mining area. Proper records under CCTV coverage shall be maintained by coal mines to ensure movement of covered trucks loaded with coals and regular and comprehensive operation of sprinklers in coal zone, stockyard and all mine roads. CAAQMS shall be connected to CECB/CPCB server, and also displayed on the mine gates for public information. (Action by respective coal mine companies).
- f. Proper repairing and maintenance of roads both inside and outside the mine area to ensure smooth movement of trucks and other load carrying vehicles. (Action by Public Works Department and respective mining companies). Indian Railways to be directed to submit a time-bound action plan for commissioning of the railway line in Tamnar and Gharghoda blocks to ensure all coal transportation by rail.
- g. Proper and free health care facilities with multispecialty treatment system may be provided in all coal mine-adjacent villages as per the recommendations of the committee report of 14.6.2019 in the Dukalu Ram (OA 314/2014 CZ) case. (Action by respective coal mine companies).
- h. Strict vigilance by MOEFCC for green belt development compliance as per EC conditions.
- i. We also recommend that **no further conversion of UG mines to Open Cast mines** be permitted in Tamnar and Gharghoda, keeping in mind the environmental costs in terms forest loss, major

noncompliance in pollution control and social cost (rehabilitation).

4.2 Long-term measures

- a) **Based on evidence summarised above, the committee is of the opinion that the Tamnar-Gharghoda block region is close to exceeding its environmental carrying capacity.** However, the precise extent of current environmental load and the likely impacts of future mining and industrial activities has to be worked out through a detailed and comprehensive **environmental load carrying capacity study, to be carried out by a reputed environmental research institute or a consortium of such institutes over a 24-month period.**
- i) The study must cover dimensions of air pollution (especially PM_{2.5}), water pollution and ground and surface water depletion, soil contamination, forest and biodiversity loss, and social and health impacts.
 - ii) Moreover, given the geography of the region, the study must assess the carrying capacity separately for two different subregions: the northern Tamnar (coal mining related) block and Gharghoda block. Moreover, since Chhal open cast mine located in southern Dharamjaigarh block is located on the bank of Mand River and therefore in an eco-sensitive zone, a baseline study of this region may also be carried out. The southern Tamnar subregion has already been studied for environmental load carrying capacity by IIT Kharagpur (report submitted to CECB in 2018) and it has already recommended strict regulation of any further industrial development in particular parts of the sub-region through a high-level committee.
 - iii) Mode of commissioning of this study may please be decided by the Hon'ble NGT, and necessary directions may please be issued accordingly.
- b) **To reduce the pollution and other impacts caused by road transport** of coal and other minerals, directions may be issued that coal transport by road from coal mines or to thermal power plants in these two blocks will be permitted only for 1 year, after which transport must be done by rail or closed conveyor belt only.
- c) **Condition of greenbelt development** may be incorporated at TOR stage of EC application to ensure

that greenbelt work shall be in place at the time of final presentation for obtaining EC, which shall be verified by MOEFCC. Further, while granting TOR, EAC should specify the location of the greenbelt to provide buffer between coal mine and human settlements, and specify a sufficient width of the greenbelt for the same.

- d) Ministry of Coal be directed to include the necessary provisions **to ensure the acceptance of fly ash** in coal mines for disposal through OB dump and back-filling as per fly ash notification of 2009.”

4. We find that the recommendations are based on relevant studies and need to be implemented by the concerned power plants and mines in the area for protection of environment and the public health and the environmental rule of law.

5. The applicants have, while broadly expressing satisfaction with the report, made certain suggestions. First suggestion of the applicants is that carrying capacity assessment must be expeditiously carried out and till such assessment is done, expansion and new projects should be only after thorough evaluation. Further suggestion is that there should be a mechanism to oversee the remedial measures, including oversight of health mitigation measures suggested by the Committee.

6. We are of the view that since serious deficiencies have been found and there is potential for damage to the environment as observed in the report, the ‘Precautionary’ and ‘Sustainable Development’ principles require that any further expansion or new projects in the area should be allowed after thorough evaluation only and mechanism for remedial measures should be in place, including oversight of measures for health mitigation. The Committee already constituted in terms of order of this Tribunal dated 22.07.2019 will act as an Oversight Committee. The nodal agency for the purpose will be the CPCB. Meeting of the Committee may be held at least once in two months or at such interval as may be decided by the Committee. Mitigation measures for health issues may be overseen by the Principal Secretary, Health, Govt. of Chhattisgarh. For this purpose, the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary, Health, Govt. of Chhattisgarh will be at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds. The Committee may give a status report on the issue as on 30.06.2020 by 15.07.2020 by e-mail at judicial-ngt@gov.in. The Oversight Committee may issue appropriate directions to the project proponents for other remedial measures.

7. The above report may be looked into and acted upon by the Ministry of Coal as well as MoEF&CC for such further action as may be necessary.”

3. Accordingly, report has been filed by the CPCB on 17.11.2020 giving the status of compliance of the recommendations in a tabular form as follows:

S. No.	Orders of the Hon'ble NGT from recommendations in the report, November 2019	Compliance Review Status on 09.11.2020
01	Short term measures	
a)	Requiring all coal mines in Raigarh district to accept fly ash for disposal through OB dump and back-filling. (Action by respective Coal mine companies).	Three SECL mines are found complying. Letters were issued to SECL Chaal OC, Monnet Ispat, HINDALCO Limited and M/s Ambuja Cement Ltd. M/s HINDALCO mines informed about no OB dump because of continuous back filling of mined area with OB as per Approved mining plan. M/s Monnet Ispat Mines has been taken over by SECL. No response received from M/s Ambuja Cement Limited. More over CEA vide its letter dated 14.02.2020 has informed about declaration of abandoned mines on recommendation of task force. The list includes 24 abandoned OC mines of Chhattisgarh to be used for filling of fly ash generated from TPP. Process of allocation no of these mines to TPP of Chhattisgarh is under taken by CECB and is on advance stage. Annexure-II
b)	Given the seriousness of improper fly ash dumping in low lying areas, and the practical difficulty in rigorously monitoring the implementation of the recent SOP in the field, no further disposal of fly ash in low-lying areas by TPP/CPP companies to be permitted and all Gram Panchayats in Raigarh district to be directed to stop issuing NOCs for the same.	District Collector of Raigarh has issued letter to concerned department for directing all gram panchayats for not issuing any NOC to use low lying area for disposal of Fly Ash. During visit of the committee, disposal of fly ash in low lying area was not observed. Annexure-III
c)	Requiring that whatever coal is being supplied to JPL and JSPL from Gare Palma IV/2&3 should be transported through the already existing closed conveyor belts and no such coal transport should be allowed via trucks. (Action by SECL).	Based on the observation of CECB, RO, Raigarh, it seems to be complied.
d)	Establishment of monitoring cell by PHED to monitor water quality being used by the residents of villages and provide pre -	The representative of PHED present during visit of the committee has informed that PHED established water testing

	<p>treatment facility and removal of geogenic contaminants and anthropogenic contaminants before its use as drinking water. Specifically, the quality of water treatment in the mine-supported water supply system in village Kondkhel needs to be ensured by PHED as per drinking water norms.</p>	<p>laboratory at Gharghoda and Raigarh for testing of drinking water quality of the area. Moreover 12 hand pumps, 02 Power pumps and 01 tap water supply have been provided in Kondkel area. (Annexure-IV) The residents of the village has informed about frequent lowering of ground water table due to UG mining activity. Representative of the PHED was also in concurrence with the observation of the villagers. In order to ensure regular and good water quality to villagers the committee has directed M/s Hindalco to provide tape water in village and ensure quality of water in coordination with PHED Raigarh.</p>
e)	<p>Installation of adequate number of CCTV and CAAQM stations in coal mining area. Proper records under CCTV coverage shall be maintained by coal mines to ensure movement of covered trucks loaded with coals and regular and comprehensive operation of sprinklers in coal zone, stockyard and all mine roads. CAAQMS shall be connected to CECB/CPCB server, and also displayed on the mine gates for public information. (Action by respective coal mine companies).</p>	<p>- As per field report by CECB, RO, Raigarh it seems that CCTV has been installed by M/s HINDALCO Industries, SECL Gare Palma IV/2 & 3, SECL Chhal. SECL Gare Palma IV/1. At the time of visit M/s Monnet Ispat Mines were not found operational.</p> <p>- In case of installation of CAAQMS all the mines have informed that as per mandatory conditions of EC and CTO fixed location ambient air Quality monitoring is being conducted by the units and reports are regularly submitted to MoEF&CC and CECB.</p>
f)	<p>Proper repairing and maintenance of roads both inside and outside the mine area to ensure smooth movement of trucks and other load carrying vehicles. (Action by Public Works Department and respective mining companies). Indian Railways to be directed to submit a time-bound action plan for commissioning of the railway line in Tamnar and Gharghoda blocks to ensure all coal transportation by rail.</p>	<p>- Letter issued to PS, PWD, S1/03, Mahanadi Bhawan, Raipur by this office vide number RDB/ NGTOA-104/2018/553 dated 07.09.2020. EE PWD was present before committee to appraise the status of PWD roads in the area. Committee has observed very bad road condition in Tamnar and Gharghoda area which seems to be one of the major factors for deterioration of ambient air quality. EE PWD Sh. Khamra has informed the committee about requirement of immediate construction of approximate 111 Km CC road (Raigarh to Dharmajay Garh about 76 Km and Punjipatra to Milupara</p>

		<p>about 35 Km) but due to budget constraint the work is pending since last several years. More over SECL has paid an amount of 42 Crore to Raigarh PWD for construction of 19 kms, 7m wide tar road from Gharghoda to Jampali in compliance of Hon'ble NGT order.</p> <p>- IRCON International Limited, in reference to our letter dated 07.09.2020 has informed that 44 Km Railway line work from Kharsia-Gharghoda-Korichhapar has been completed and started transportation of coal. Work for 14 km rail line from Gharghodabhalumuda- Gare Palma will be completed by June 2021. Rail line work from Karichhapar - Kurumkela-Dharamjaygarh will be completed by December 2020. IRCON has to construct 05 numbers of coal siding in Tamnar and Gharghoda area for increasing rail coal transportation. As on date of committee visit IRCON has completed 03 coal siding and made 01 siding operational, 02 more siding will be made operational by December 2020. As informed by the representative of Indian Railway rest 02 sidings shall be completed by March 2021. (Annexure-V) Compliance in Progress</p>
g)	Proper and free health care facilities with multispecialty treatment system may be provided in all coal mineadjacent villages as per the recommendations of the committee report of 14.6.2019 in the Dukalu Ram (OA 314/2014 CZ) case. (Action by respective coal mine companies).	Mitigation measure for health issues is to be overseen by the Principal Secretary, health, Govt. of Chhattisgarh. For this purpose, the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary Health, Govt. of Chhattisgarh is at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds.
h)	Strict vigilance by MOEF&CC for green belt development compliance as per EC conditions	MoEF&CC has started close monitoring for green belt development in all coal mines. Compliance in progress.
i)	We also recommend that no	Letter has been issued to

	<p>further conversion of UG mines to Open Cast mines be permitted in Tamnar and Gharghoda, keeping in mind the environmental costs in terms forest loss, major noncompliance in pollution control and social cost(rehabilitation).</p>	<p>MoEF&CC (IA-Coal) for implementation of restriction on conversion of UG coal mines to OC coal mines in Tamnar and Garghoda area of District Raigarh.</p>
02	LONG TERM MEASURES	
a)	<p>Commissioning a detailed and comprehensive environmental load carrying capacity study (as mentioned in NGT order), to be carried out by a reputed environmental research institute over a 24 month period.</p>	<p>The matter was discussed with CPCB HO and got advised to include the project in State EC fund as defined by Hon'ble NGT. In order of this proposal for the same has been prepared by CECB and submitted to CPCB for compilation of all project and submission before Hon'ble NGT. Annexure-VI</p>
	<p>Mode of commissioning of this study may please be decided by the Hon'ble NGT and necessary directions may please be issued accordingly</p>	<p>Compliance in progress.</p>
b)	<p>To reduce the pollution and other impacts caused by road transport of coal and other minerals directions may be issued that coal transport by road from coal mines or to thermal power plants in these two blocks will be permitted only for 1 year, after which transport must be done by rail of closed conveyor belt.</p>	<p>As per report obtained from SECL it is evident 35% increase in daily average dispatch by rail in comparison to the FY-2019-20 after construction of new rail line between Kharsia-Gharghoda- Korichhapar. Coal dispatch from Korichhapar railway siding commenced in the FY2019-20. It is assumed that coal transport by rail may increase by 50% in addition to earlier transport in rail by December 2020.</p>
c)	<p>Condition of green belt development may be incorporated at TOR stage of EC application to ensure that green belt work shall be in place at the time of final presentation for obtaining EC, which shall be verified by MoEF&CC. Further while granting TOR, EAC should specify the location of the green belt to provide buffer between coal mine and human settlements and specify sufficient width of the green belt for the same.</p>	<p>Copy of Hon'ble NGT order dated 27.02.2020 has been sent to IA-Coal on 18.09.2020 for further necessary action by MoEF&CC.</p>
d)	<p>Ministry of coal be directed to include the necessary provisions to ensure the acceptance of fly ash in coal mines for disposal through OB dump and backfilling as per fly ash notification of 2009.</p>	<p>Pursuant upon long deliberations by CPCB, Central Electricity Authority, NTPC and Ministry of Coal through Task Force, list of 24 abandoned OC mines of Chhattisgarh has been submitted to be used for filling of fly ash generated from TPP. Process of allocation of these mines to TPP of Chhattisgarh is under taken by CECB and is on advance stage.</p>

4. The Committee has also made field observations and recommendations as follows:

“FIELD OBSERVATIONS:

1. Pursuant upon long deliberations by CPCB, Central Electricity Authority, NTPC and Ministry of Coal through Task Force, list of 24 abandoned OC mines of Chhattisgarh has been submitted to be used for filling of fly ash generated from TPP. Member Secretary CECB has informed about considering mine wise allocation of abandoned coal mines as declared by CEA vide its letter dated 14.02.2020. The co-operation of SECL is not satisfactory as many applications of TPP of Tamnar & Gharghoda area are lying unattended by SECL.
2. District collector, Raigarh has issued letter to concern departments for directing all gram panchayats for not issuing any NOC to use low lying area for disposal of Fly ash. During visit committee has observed restriction on fly ash disposal in low lying areas particularly in agricultural fields of the villages.
3. In compliance of letter issued by Nodal Officer of the committee on 07.09.2020 to PS, PHED, Raipur, it was informed that PHED has established water testing laboratory at Gharghoda and Raigarh for testing of drinking water quality of the area. PHED, Raigarh has also established 06 control rooms and circulated the contact numbers of the concern officers to manage any crisis of drinking water availability in Raigarh District. In order to provide proper treatment for removal of any geogenic contaminants PHED Raigarh has also provided 05 Electrolytic DE fluoridation (EDF) plants in 03 villages (Pata, Mudagaon, Saraitola) of Tamnar Block. Moreover 12 hand pumps, 02 Power pumps and 01 tap water supply have been provided in Kondkel area. In addition to above PHED, Raigarh has also proposed drinking water supply scheme (Rs. 1270.41 Lakh project cost) for 10 mining effected villages of Tamnar Block. The details submitted by PHED, Raigarh was verified in Kondkel Village and found insufficient with respect to population of the village. The representative of PHED present during visit of the committee has informed that PHED has established 04 hand pumps, 04 Power pumps and 01 tap water supply have been provided in Kondkel area. The residents of the village has informed about frequent lowering of ground water table due to UG mining activity. Representative of the PHED was also in concurrence with the observation of the villagers. In order to ensure regular and good water quality to villagers the committee has directed M/s Hindalco to provide tape water supply from mine in village and ensure quality of water in coordination with PHED Raigarh. M/s Hindalco Coal Mine shall also submit report on quantity of mine water generation from UG mines to make an assessment for water supply required from PHED.

4. *Installation of CCTV system in mines of the area was reported complied by all mines whereas its proper operation and recording is to be ensured by SECL in its all mines located in Chhal and Gare Palma.*
5. *EE PWD was present before committee to appraise the status of PWD roads in the area. Committee has observed very bad road condition in Tamnar and Gharghoda area which seems to be one of the major factors for deterioration of ambient air quality. EE PWD Sh. Khamra has informed the committee about requirement of immediate construction of approximate 111 Km CC road (Raigarh to Dharmajay Garh about 76 Km and Punjipatra to Milupara about 35 Km) but due to budget constraint the work is pending since last several years. An amount of Rs. 335 Crore may be required to complete the construction of CC road in the area of Tamnar and Gharghoda. More over SECL has paid an amount of 42 Crore to Raigarh PWD for construction of 19 kms, 7m wide tar road from Gharghoda to Jampali in compliance of Hon'ble NGT order.*

IRCON International Limited, in reference to our letter dated 07.09.2020 has informed that 44 Km Railway line work from Kharsia – Gharghoda – Korichhapar has been completed and started transportation of coal. Work for 14 km rail line from Gharghoda – Bhalumuda – Gare Palma will be completed by June 2021. Rail line work from Karichhapar – Kurumkela – Dharamjaygarh will be completed by December 2020. IRCON International Limited, in reference to our letter dated 07.09.2020 has informed that 44 Km Railway line work from Kharsia – Gharghoda – Korichhapar has been completed and started transportation of coal. Work for 14 km rail line from Gharghoda – Bhalumuda – Gare Palma will be completed by June 2021. Rail line work from Karichhapar – Kurumkela – Dharamjaygarh will be completed by December 2020. IRCON has to construct 05 numbers of coal siding in Tamnar and Gharghoda area for increasing rail coal transportation. As on date of committee visit IRCON has completed 03 coal siding and made 01 siding operational, 02 more siding will be made operational by December 2020. As informed by the representative of Indian Railway rest 02 sidings shall be completed by March 2021. As per data received from major mining company of the area i.e. SECL, it is reported that 35% coal transport increase has been observed in comparison to last financial year 2019-2020. (AnnexureVII) It is assumed that coal transport by rail may increase by 50% in addition to earlier transport in rail by December 2020.

6. *In reference to instruction on point 2 (a) (ii) regarding carrying capacity study, CPCB has advised CEGB to include the project cost in EC fund sponsored project and proposal for same has been prepared by CEGB and submitted to CPCB for further essential action.*
7. *The committee has also discussed the issues in meeting with Collector, Raigarh to expedite the required development as*

directed by Hon'ble NGT in its order. The outcome of the meeting has been considered in the recommendations.

In view of the above field observations, the recommendations of oversight committee are as under.

RECOMMENDATIONS :

- 1. In order to ensure development of health facilities in the villages of mining affected areas, Principal Secretary, Health Chhattisgarh Government may be advised to keep informing the oversight committee about development made in health facilities.**
- 2. Hon'ble NGT may like to direct Principal Secretary, PWD, Chhattisgarh Government to sanction budget of Rs. 335 crore (@Rs 3.00 crore per km) for construction of CC road approximately 111 km length of 7m width (Raigarh to Dharmajay Garh about 76 Km and Punjipatra to Milupara about 35 Km) and ensure its execution before March 2021. In this context time bound action plan with bank guarantee of Rs. 35 Crore may be obtained from PWD, Chhattisgarh to ensure timely execution of the work.**
- 3. Directions from Hon'ble NGT may also be issued to CMD, SECL, Bilaspur to expedite allotment of abandoned coal mines in consultation with CECB and complete it before 31st December 2020."**

5. From the above, it does appear that action so far taken is not adequate and further steps need to be taken in the light of the recommendations made. The Principal Secretary, Health and the PWD Department, Chhattisgarh Government and the South Eastern Coalfields Limited (SECL) may act as per recommendations of the Committee. Coal transportation by rail be increased for abatement of air and dust pollution.

6. Further, the applicant has given suggestions by way of written submission filed on 18.11.2020, inter-alia to the effect that contaminated sites be seen, fly ash dumping in low-lying areas be ensured and such dumping should not be in unscientific manner. The legacy fly ash dumps be remediated. Air and land pollution due to fire in the coal mines be remedied. Coal transportation by trucks must be done on scientific basis

and transportation by conveyor belts be preferred. Road maintenance be improved. Continuous Ambient Air Quality Monitoring Station (CAAQMS) be installed. Steps be taken for recharge of the ground water. Water supply to the concerned villages be provided by pipes. The submission of the applicant are:

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 ...
 5. *That at the outset it is stated that the Committee did not meet with Applicants during their recent visit which was important as the Applicants would have shown the contaminated sites to the committee which are grossly missing in the present Report dated 17h November,2020. The Committee has only seen the sites which the CECB has shown to it. It is submitted that the Committee should plan an immediate visit after informing the Applicants so that the Applicants can help the Committee to identify the contaminated sites and resolve the environmentally problematic issues as mentioned in the Order dated 27.02.2020 of this Hon'ble Tribunal.*

6. *That Overall the report does not provide any evidence (in the form of photos, lists of sites visits, descriptions, who did they meet etc) to back up its conclusions. For example in places where the committee has come up with conclusion that fly ash dumping in low lying areas have been restricted. It is stated that no proof has been given for the same. There are no photographs that have been attached or list provided of which sites they have visited and what information they have noted by the Committee. Also the local community members have provided a list of sites and photo documentation of how new fly ash dumping sites have been created in various parts of the region in violation of the Hon'ble NGT's Order/s however till date no action has been taken in any of these cases. The Applicants are annexing the recent photographs showing that the fly ash dumping is still taking place and nothing has been done with respect to removal of legacy fly ash dumps. The non-clean up of legacy fly ash dumps would lead to leachate when it comes in contact with water and would further lead to water and soil pollution.*

Photographs alongwith GPS location and date are annexed herewith showing the Fly ash dumps which are annexed herewith as ANNEXURE-B (Collectively).

7. *That it is also important to point out that the Coal mines of Gare IV/2 and Gare IV/3 is also witnessing air and land pollution due to fire in Coal mines of Gare IV 12 and Gare IV/3. Had the Committee contacted the local community members they would have shown the sites which are witnessing fire in Coal Mines. Recent Photographs showing the fire in Coal mines of Gare IV/2 and Gare IV/3 are annexed herewith as ANNEXURE-C (Collectively).*

8. *That on the issue of coal transportation by trucks, the committee has given a vague response of "seems to be complied" which does not make any sense, either the condition is complied or not to be complied. However the committee has once again not provided any details of the transportation of coal via conveyor belts such as trip sheets or how much quantum of coal has been transported by a conveyor belt to provide proof that the condition is being complied with. Mere vague statement of the committee in this regard cannot be accepted as proof.*
9. *That the direction about CAAQMS has NOT BEEN COMPLIED WITH. What is even more shocking that, the committee which has been appointed to oversee the implementation of the direction is justifying the non-compliance by advancing the industry's faulty logic in this regard, It is stated that EC and CTO condition is to provide regular monitoring data which is not the same as a24X7 and 365 day monitoring through OAAQMS.*
10. *That the committee itself observes bad road in the region hence it is clear that road maintenance direction has NOT been complied with.*
11. *That Directions regarding the mitigation measures of health issues in the region HAVE NOT been complied with. The Principal Secretary-Health, GoW. of Chhattisgarh has not been implementing any health related measures and local community health is in a very precarious situation which fact is observed in a recent Health Assessment RepoG 2019-2020 titled "HEALTH ASSESSMENT OF VILLAGERS OF TAMNAR BLOCK, DISTRICT RAIGARH (C.G.)" submitted to Indian Council of Medical Research, New Delhi, Year 2019-2020. Copy of relevant pages of this study is annexed herewith as ANNEXURE-D.*
12. *That on the issue of green belt development, the committee has pushed the responsibility on MoEF&CC. It is not clear in describing the actual status on the ground. there is no actual evidence provided by the committee to support their "compliance in progress" remark. The committee's vague remark without any submission of documents of the mine wise status of greenbelt development is nothing but mere bald assertions without any proof.*
13. *That regarding the water testing laboratories at Gharghoda and Raigarh for testing of drinking water quality there is no evidence on record that the same are in fit working condition. Similarly, on the issue of water testing, the Applicants state that in Saraitola area the water contains high fluoride content and there is no evidence on record to show that Electrolytic DE fluoridation(EDF) Plants in 3 villages (Pata, Mudgaon, Saraitola are in fit working condition). The Committee has failed to provide any testing results from the area as to what was found in the drinking water and whether the same was*

in usable condition by the local villagers. There is no evidence or proof filed by committee regarding the sites where the drinking water is potable and where the same is not potable and need further treatment for the villagers to be used. There should be a timeline provided by the Committee to test the water quality in the Tamnar and Gharghoda blocks and a study regarding the sites of potable water needs to be done in coordination with PHED and the local villagers.

14. *That the Committee has agreed that there is a problem of frequent lowering of ground water table due to mining activity at page 7 of the Report.*
15. *Inspite of acknowledging the problem of frequent lowering of ground water table due to mining there are no plans or action taken proposed for replenishing the fast depleting water table or curbing the future mining activity.*
16. *It also states that M/s Hindalco has been told to provide Tap water supply from the mine in the village and ensure quality of water in co-ordination with PHED Raigarh. It is stated that the same should be done for Neelupara and adjoining area where there are very few drinking water facilities. The Report is silent on new sites where drinking water facility has been provided.*
17. *That in the long term compliance section the details provided in Annexure VI for the carrying capacity study is grossly insufficient. The proposal of CECB is to just conduct a source apportionment study. A source apportionment study cannot be considered as a carrying capacity study. Source Apportionment (SA) is the practice of deriving information about pollution sources and the amount they contribute to ambient air pollution levels. The concept of carrying capacity describes the relationship between resources, environment and human activities to ensure sustainability. Carrying capacity is also defined as "the growth limits an area can accommodate without violating environmental capacity goals". The carrying capacity study will assess the maximum number of individuals/ industrial activities that an area's resources can sustain indefinitely without significantly depleting or degrading those resources or causing environmental or public health depletion. It is re-iterated that a proper detailed proposal on carrying capacity study has to be done and shared with the community before progressing with the compliance."*

The above suggestions may be duly considered by the concerned authorities and the Committee which may be coordinated by the CPCB. We also direct the Collector, Raigarh will stand inducted as Member of the Committee. The applicant has also filed IA No. 382/2020 for a

direction that expansion of the project be allowed only after carrying capacity assessment is done. This aspect may be gone into by the Expert Appraisal Committee (EAC).

7. A further status report may be furnished after four months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List for further consideration on 13.04.2021.

A copy of this order be forwarded to the MoEF&CC, NEERI, CPCB, State PCB, Dr. Sarat Chander Lele, EAC Member Coal and Thermal, MoEF&CC and the Collector, Raigarh by e-mail for compliance.

M. A. Nos. 279/2018 and 858/2018 which were filed in the year 2018, may be treated as disposed of in view of the above order. Execution Application 05/2019 also stands disposed of.

Adarsh Kumar Goel, CP

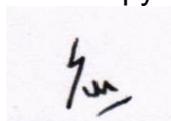
S.K. Singh, JM

Dr. S.S. Garbyal, EM

Dr. Nagin Nanda, EM

November 20, 2020
M.A. No. 279/2018, M.A. No. 858/2018
& I.A. No. 382/2020 in OA No. 104/2018
and EA No. 05/2019 IN O. A. No. 104/2018
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ANNEXURE A-2

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO: 104 OF 2018**

IN THE MATTER OF:-

SHIVPAL BHAGAT & ORS.

...APPLICANT

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

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THROUGH


RITWICK DUTTA RAHUL CHOUDHARY SAURABH SHARMA
ADVOCATES

Counsels for Applicant
N-71, Lower Ground Floor, Greater Kailash-I,
New Delhi- 110048
Litigation.life@gmail.com
9810983559

New Delhi
Date: 18.11.2020

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO: 104 OF 2018**

IN THE MATTER OF:-

SHIVPAL BHAGAT & ORS.

...APPLICANT

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

WRITTEN SUBMISSION ON BEHALF OF THE APPLICANTS TO THE REPORT

DATED 24.07.2020 FILED BY THE CPCB

MOST RESPECTFULLY SHOWETH:-

1. That the Applicants have filed the present Original Application seeking directions to Respondents with respect to remediation of environment including soil, water and air, in villages Kosampalli, Dongamahua, Kodkel, Kunjemura and Regaon. Nagmuda, Milupara ,Sakta which fall under the Tamnar Block, as well as Bhengari, Chamar, Khokroama and Tendनावapara, Chal etc of Ghargoda block, which has, over the years, been severely damaged by the violation of environmental norms by mines, thermal power plants, coal washeries and other such industries operating in these villages. The contents of the accompanying Original Application be read as part and parcel of this Submission and the same are not been reproduced for the sake of brevity.
2. That the Committee in it's Report dated 14.10.2019 had stated the various violations by the industries and its adverse impact on health and environment and gave various recommendations. The Hon'ble NGT passed a detailed Order on 27th February, 2020 taking note of the recommendations which had to be implemented by the Oversight Committee.
3. That the CPCB has filed a Report dated 24th July,2020 before the Hon'ble Tribunal where it is categorically mentioned at Page 2-para 5 that:-

" A cursory examination of the Report indicated several area of non-compliance with the NGT Order. The Committee shall follow up with the respective Companies regarding the same".

4. That to the Report of the CPCB dated 24th July,2020 the Applicants had filed their Response inform of Written Submission dated 27.07.2020 and various non-compliances were highlighted with media reports and photographs. Copy of the Report dated 27.07.2020 filed by the Applicants is annexed herewith as **ANNEXURE-A**

RESPONSE TO THE REPORT DATED 17TH NOVEMBER, 2020 FILED BY CPCB

5. That at the outset it is stated that the Committee did not meet with Applicants during their recent visit which was important as the Applicants would have shown the contaminated sites to the committee which are grossly missing in the present Report dated 17th November,2020. The Committee has only seen the sites which the CECB has shown to it. It is submitted that the Committee should plan an immediate visit after informing the Applicants so that the Applicants can help the Committee to identify the contaminated sites and resolve the environmentally problematic issues as mentioned in the Order dated 27.02.2020 of this Hon'ble Tribunal.
6. That Overall the report does not provide any evidence (in the form of photos, lists of sites visits, descriptions, who did they meet etc) to back up its conclusions. For example in places where the committee has come up with conclusion that fly ash dumping in low lying areas have been restricted. It is stated that no proof has been given for the same. There are no photographs that have been attached or list provided of which sites they have visited and what information they have noted by the Committee. Also the local community members have provided a list of sites and photo documentation of how new fly ash dumping sites have been created in various parts of the region in violation of the Hon'ble NGT's Order/s however till date no action has been taken in any of these cases. The Applicants are annexing the recent photographs showing that the fly ash dumping is still taking place and nothing has been done with respect to removal of legacy fly ash dumps. The non-clean up of legacy fly ash dumps

would lead to leachate when it comes in contact with water and would further lead to water and soil pollution.

Photographs alongwith GPS location and date are annexed herewith showing the Fly ash dumps which are annexed herewith as **ANNEXURE-B (Collectively)**.

7. That it is also important to point out that the Coal mines of Gare IV/2 and Gare IV/3 is also witnessing air and land pollution due to fire in Coal mines of Gare IV/2 and Gare IV/3. Had the Committee contacted the local community members they would have shown the sites which are witnessing fire in Coal Mines. Recent Photographs showing the fire in Coal mines of Gare IV/2 and Gare IV/3 are annexed herewith as **ANNEXURE-C (Collectively)**.
8. That on the issue of coal transportation by trucks, the committee has given a vague response of "seems to be complied" which does not make any sense, either the condition is complied or not to be complied. However the committee has once again not provided any details of the transportation of coal via conveyor belts such as trip sheets or how much quantum of coal has been transported by a conveyor belt to provide proof that the condition is being complied with. Mere vague statement of the committee in this regard cannot be accepted as proof.
9. That the direction about CAAQMS has **NOT BEEN COMPLIED WITH**. What is even more shocking that, the committee which has been appointed to oversee the implementation of the direction is justifying the non-compliance by advancing the industry's faulty logic in this regard. It is stated that EC and CTO condition is to provide regular monitoring data which is not the same as a 24X7 and 365 day monitoring through CAAQMS.
10. That the committee itself observes bad road in the region hence it is clear that road maintenance direction has NOT been complied with.

11. That Directions regarding the mitigation measures of health issues in the region HAVE NOT been complied with. The Principal Secretary-Health, Govt. of Chhattisgarh has not been implementing any health related measures and local community health is in a very precarious situation which fact is observed in a recent Health Assessment Report, 2019-2020 titled "HEALTH ASSESSMENT OF VILLAGERS OF TAMNAR BLOCK, DISTRICT RAIGARH (C.G.)" submitted to Indian Council of Medical Research, New Delhi, Year 2019-2020. Copy of relevant pages of this study is annexed herewith as **ANNEXURE-D.**
12. That on the issue of green belt development, the committee has pushed the responsibility on MoEF&CC. It is not clear in describing the actual status on the ground. there is no actual evidence provided by the committee to support their "compliance in progress" remark. The committee's vague remark without any submission of documents of the mine wise status of greenbelt development is nothing but mere bald assertions without any proof.
13. That regarding the water testing laboratories at Gharghoda and Raigarh for testing of drinking water quality there is no evidence on record that the same are in fit working condition. Similarly, on the issue of water testing, the Applicants state that in Saraitola area the water contains high fluoride content and there is no evidence on record to show that Electrolytic DE fluoridation(EDF) Plants in 3 villages (Pata, Mudgaon, Saraitola are in fit working condition). The Committee has failed to provide any testing results from the area as to what was found in the drinking water and whether the same was in usable condition by the local villagers. There is no evidence or proof filed by committee regarding the sites where the drinking water is potable and where the same is not potable and need further treatment for the villagers to be used. There should be a timeline provided by the Committee to test the water quality in the Tamnar and Gharghoda blocks and a study regarding the sites of potable water needs to be done in coordination with PHED and the local villagers.

14. That the Committee has agreed that there is a problem of frequent lowering of ground water table due to mining activity at page 7 of the Report.
15. In spite of acknowledging the problem of frequent lowering of ground water table due to mining there are no plans or action taken proposed for replenishing the fast depleting water table or curbing the future mining activity
16. It also states that M/s Hindalco has been told to provide Tap water supply from the mine in the village and ensure quality of water in co-ordination with PHED Raigarh. It is stated that the same should be done for Neelupara and adjoining area where there are very few drinking water facilities. The Report is silent on new sites where drinking water facility has been provided
17. That in the long term compliance section the details provided in Annexure VI for the carrying capacity study is grossly insufficient. The proposal of CECB is to just conduct a source apportionment study. A source apportionment study cannot be considered as a carrying capacity study. Source Apportionment (SA) is the practice of deriving information about pollution sources and the amount they contribute to ambient air pollution levels. The concept of carrying capacity describes the relationship between resources, environment and human activities to ensure sustainability. Carrying capacity is also defined as "the growth limits an area can accommodate without violating environmental capacity goals". The carrying capacity study will assess the maximum number of individuals/ industrial activities that an area's resources can sustain indefinitely without significantly depleting or degrading those resources or causing environmental or public health depletion. It is re-iterated that a proper detailed proposal on carrying capacity study has to be done and shared with the community before progressing with the compliance.

It is Prayed that :-

1. **Reject the Report dated 17.11.2020 submitted by the CPCB.**
2. **Direct the Committee to give a proper Action Plan for implementation of the Report dated 14.10.2019.**
3. **Direct the Oversight Committee to implement the Recommendations of the Report dated 14.10.2019 filed earlier in this matter and the Order dated 27.02.2020 of this Hon'ble Tribunal.**
4. **Direct the Oversight Committee to immediately visit the Gharghoda and Tamnar Blocks with prior information to the Applicants so that the Applicants can help the Committee to identify the contaminated sites and resolve the environmentally problematic issues**
5. **Direct the Committee to visit the sites mentioned or cited by the Applicants in the Photographs attached by them in Annexures.**
6. **Direct the Committee to give specific status in accordance with the complaints of the local community regarding fly ash dumping and fire in coal mines**
7. **Directions be issued to Principal Secretary-Health, Govt. of Chhattisgarh to carry out Health initiatives in Gharghoda and Tamnar Blocks of District Raigarh as no health initiatives have been started which shows a very lax and non serious attitude in curbing pollution and file action taken report . Even the polluting industries have to be penalized**
8. **Direct the Committee to submit proper plans for water recharge**
9. **Direct that an independent person be the chair of the oversight committee**
10. **The EAC is giving approvals for projects without the carrying capacity study being conducted. That EAC should pass any such approval through the oversight committee and not approve any proposal till the carrying capacity is Done**
11. **Direct that the committee puts its functioning on the public domain**

Any other or further relief may also be granted in favour of the Applicants and against the Respondents.


(SAURABH SHARMA)
Counsel for the Applicants

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Annexure A-2

Item Nos. 02 & 03

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**Original Application No. 104/2018
(M.A. No. 279/2018, M.A. No. 858/2018 & I.A. No. 382/2020)WITH
Execution Application No. 05/2019

(With report dated 17.11.2020)

Shivpal Bhagat & Ors.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 20.11.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant(s): Mr. Saurabh Sharma, Advocate

Respondent(s): Mr. Kush Sharma, Advocate for CPCB

ORDER

1. The issue for consideration is the remedial action against pollution caused by the Thermal Power Plants, the coal washeries in Tamnar and Gharghoda blocks of Raigarh District in Chhattisgarh, including M/s Jindal Power Limited, M/s Jindal Power and Steel Limited, M/s TRN Energy Private Limited, M/s Mahavir Energy & Coal Benefaction Limited, M/s. Hindalco Industries Limited and M/s. Monet Energy Limited, SECL. The operation of the said units is resulting in contamination of air, water and land and having adverse impact on the environment and the habitants. Water and soil have toxic metals having potential for health

hazard requiring monitoring of emissions, making the polluter accountable and regulating the polluting activities.

2. The matter has been considered earlier and under direction of this Tribunal, an Expert Committee furnished its report dated 14.10.2019 after visiting the sites and considering earlier reports on the subject. The Committee considered the mitigation measures required to be adopted by the Thermal Power Plants and the coal washeries. The Committee found that the issue of ground water depletion, soil pollution, forest loss and livelihood loss were required to be addressed for which short term and long terms measures were suggested. The Tribunal directed remedial action for dealing with the deficiencies having potential for damage to the environment. Further direction was to review the existing arrangements and furnishing a further report. The operative part of directions in the order dated 27.02.2020 is as follows:

“3. Accordingly, a report dated 14.10.2019 has been filed by the CPCB on behalf of the Committee on 15.10.2019. The Committee visited various sites and considered the earlier reports, including maps and the data of air quality as well as water pollution. The Committee then considered the mitigation measures prescribed and their current status including installation of Electro-Static Precipitators (ESPs) and Fluidized Gas Desulfurizers (FGDs) in the Thermal Power Plants. The committee also considered ground water depletion, soil pollution, forest loss and livelihood loss and after detailed study of various aspects made following recommendations:

“4. RECOMMENDATIONS:

Based on the above observations, the committee recommends a set of short-term and long-term measures.

4.1 Short-term measures

- a. Requiring all coal mines in Raigarh district to accept fly ash for disposal through OB dump and back-filling. (Action by respective Coal mine companies).*
- b. Given the seriousness of improper fly ash dumping in low lying areas, and the practical difficulty in rigorously monitoring the implementation of the recent SOP in the field, no further disposal of fly*

ash in low-lying areas by TPP/ CPP companies to be permitted and all Gram Panchayats in Raigarh district to be directed to stop issuing NOCs for the same.

- c. Requiring that whatever coal is being supplied to JPL and JSPL from Gare Palma IV/2&3 should be transported through the already existing **closed conveyor belts** and no such coal transport should be allowed via trucks. (Action by SECL).
- d. Establishment of monitoring cell by PHED to monitor water quality being used by the residents of villages and provide pretreatment facility and removal of geogenic contaminants and anthropogenic contaminants before its use as drinking water. Specifically, the quality of water treatment in the mine-supported water supply system in village Kondkhel needs to be ensured by PHED as per drinking water norms.
- e. Installation of adequate number of CCTV and CAAQM stations in coal mining area. Proper records under CCTV coverage shall be maintained by coal mines to ensure movement of covered trucks loaded with coals and regular and comprehensive operation of sprinklers in coal zone, stockyard and all mine roads. CAAQMS shall be connected to CECB/CPCB server, and also displayed on the mine gates for public information. (Action by respective coal mine companies).
- f. Proper repairing and maintenance of roads both inside and outside the mine area to ensure smooth movement of trucks and other load carrying vehicles. (Action by Public Works Department and respective mining companies). Indian Railways to be directed to submit a time-bound action plan for commissioning of the railway line in Tamnar and Gharghoda blocks to ensure all coal transportation by rail.
- g. Proper and free health care facilities with multispecialty treatment system may be provided in all coal mine-adjacent villages as per the recommendations of the committee report of 14.6.2019 in the Dukalu Ram (OA 314/2014 CZ) case. (Action by respective coal mine companies).
- h. Strict vigilance by MOEFCC for green belt development compliance as per EC conditions.
- i. We also recommend that **no further conversion of UG mines to Open Cast mines** be permitted in Tamnar and Gharghoda, keeping in mind the environmental costs in terms forest loss, major

noncompliance in pollution control and social cost (rehabilitation).

4.2 Long-term measures

a) Based on evidence summarised above, the committee is of the opinion that the Tamnar-Gharghoda block region is close to exceeding its environmental carrying capacity. However, the precise extent of current environmental load and the likely impacts of future mining and industrial activities has to be worked out through a detailed and comprehensive **environmental load carrying capacity study, to be carried out by a reputed environmental research institute or a consortium of such institutes over a 24-month period.**

i) The study must cover dimensions of air pollution (especially PM2.5), water pollution and ground and surface water depletion, soil contamination, forest and biodiversity loss, and social and health impacts.

ii) Moreover, given the geography of the region, the study must assess the carrying capacity separately for two different subregions: the northern Tamnar (coal mining related) block and Gharghoda block. Moreover, since Chhal open cast mine located in southern Dharamjaigarh block is located on the bank of Mand River and therefore in an eco-sensitive zone, a baseline study of this region may also be carried out. The southern Tamnar subregion has already been studied for environmental load carrying capacity by IIT Kharagpur (report submitted to CECB in 2018) and it has already recommended strict regulation of any further industrial development in particular parts of the sub-region through a high-level committee.

iii) Mode of commissioning of this study may please be decided by the Hon'ble NGT, and necessary directions may please be issued accordingly.

b) To reduce the pollution and other impacts caused by road transport of coal and other minerals, directions may be issued that coal transport by road from coal mines or to thermal power plants in these two blocks will be permitted only for 1 year, after which transport must be done by rail or closed conveyor belt only.

c) Condition of greenbelt development may be incorporated at TOR stage of EC application to ensure

that greenbelt work shall be in place at the time of final presentation for obtaining EC, which shall be verified by MOEFCC. Further, while granting TOR, EAC should specify the location of the greenbelt to provide buffer between coal mine and human settlements, and specify a sufficient width of the greenbelt for the same.

- d)** *Ministry of Coal be directed to include the necessary provisions **to ensure the acceptance of fly ash** in coal mines for disposal through OB dump and back-filling as per fly ash notification of 2009.”*

4. *We find that the recommendations are based on relevant studies and need to be implemented by the concerned power plants and mines in the area for protection of environment and the public health and the environmental rule of law.*

5. *The applicants have, while broadly expressing satisfaction with the report, made certain suggestions. First suggestion of the applicants is that carrying capacity assessment must be expeditiously carried out and till such assessment is done, expansion and new projects should be only after thorough evaluation. Further suggestion is that there should be a mechanism to oversee the remedial measures, including oversight of health mitigation measures suggested by the Committee.*

6. *We are of the view that since serious deficiencies have been found and there is potential for damage to the environment as observed in the report, the ‘Precautionary’ and ‘Sustainable Development’ principles require that any further expansion or new projects in the area should be allowed after thorough evaluation only and mechanism for remedial measures should be in place, including oversight of measures for health mitigation. The Committee already constituted in terms of order of this Tribunal dated 22.07.2019 will act as an Oversight Committee. The nodal agency for the purpose will be the CPCB. Meeting of the Committee may be held atleast once in two months or at such interval as may be decided by the Committee. Mitigation measures for health issues may be overseen by the Principal Secretary, Health, Govt. of Chhattisgarh. For this purpose, the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary, Health, Govt. of Chhattisgarh will be at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds. The Committee may give a status report on the issue as on 30.06.2020 by 15.07.2020 by e-mail at judicial-ngt@gov.in. The Oversight Committee may issue appropriate directions to the project proponents for other remedial measures.*

7. *The above report may be looked into and acted upon by the Ministry of Coal as well as MoEF&CC for such further action as may be necessary.”*

3. Accordingly, report has been filed by the CPCB on 17.11.2020 giving the status of compliance of the recommendations in a tabular form as follows:

S. No.	Orders of the Hon'ble NGT from recommendations in the report, November 2019	Compliance Review Status on 09.11.2020
01	Short term measures	
a)	Requiring all coal mines in Raigarh district to accept fly ash for disposal through OB dump and back-filling. (Action by respective Coal mine companies).	Three SECL mines are found complying. Letters were issued to SECL Chaal OC, Monnet Ispat, HINDALCO Limited and M/s Ambuja Cement Ltd. M/s HINDALCO mines informed about no OB dump because of continuous back filling of mined area with OB as per Approved mining plan. M/s Monnet Ispat Mines has been taken over by SECL. No response received from M/s Ambuja Cement Limited. More over CEA vide its letter dated 14.02.2020 has informed about declaration of abandoned mines on recommendation of task force. The list includes 24 abandoned OC mines of Chhattisgarh to be used for filling of fly ash generated from TPP. Process of allocation no of these mines to TPP of Chhattisgarh is under taken by CECB and is on advance stage. Annexure-II
b)	Given the seriousness of improper fly ash dumping in low lying areas, and the practical difficulty in rigorously monitoring the implementation of the recent SOP in the field, no further disposal of fly ash in low-lying areas by TPP/ CPP companies to be permitted and all Gram Panchayats in Raigarh district to be directed to stop issuing NOCs for the same.	District Collector of Raigarh has issued letter to concerned department for directing all gram panchayats for not issuing any NOC to use low lying area for disposal of Fly Ash. During visit of the committee, disposal of fly ash in low lying area was not observed. Annexure-III
c)	Requiring that whatever coal is being supplied to JPL and JSPL from Gare Palma IV/2&3 should be transported through the already existing closed conveyor belts and no such coal transport should be allowed via trucks. (Action by SECL).	Based on the observation of CECB, RO, Raigarh, it seems to be complied.
d)	Establishment of monitoring cell by PHED to monitor water quality being used by the residents of villages and provide pre -	The representative of PHED present during visit of the committee has informed that PHED established water testing

	<p>treatment facility and removal of geogenic contaminants and anthropogenic contaminants before its use as drinking water. Specifically, the quality of water treatment in the mine-supported water supply system in village Kondkhel needs to be ensured by PHED as per drinking water norms.</p>	<p>laboratory at Gharghoda and Raigarh for testing of drinking water quality of the area. Moreover 12 hand pumps, 02 Power pumps and 01 tap water supply have been provided in Kondkel area. (Annexure-IV) The residents of the village has informed about frequent lowering of ground water table due to UG mining activity. Representative of the PHED was also in concurrence with the observation of the villagers. In order to ensure regular and good water quality to villagers the committee has directed M/s Hindalco to provide tape water in village and ensure quality of water in coordination with PHED Raigarh.</p>
e)	<p>Installation of adequate number of CCTV and CAAQM stations in coal mining area. Proper records under CCTV coverage shall be maintained by coal mines to ensure movement of covered trucks loaded with coals and regular and comprehensive operation of sprinklers in coal zone, stockyard and all mine roads. CAAQMS shall be connected to CECB/CPCB server, and also displayed on the mine gates for public information. (Action by respective coal mine companies).</p>	<p>- As per field report by CECB, RO, Raigarh it seems that CCTV has been installed by M/s HINDALCO Industries, SECL Gare Palma IV/2 & 3, SECL Chhal. SECL Gare Palma IV/1. At the time of visit M/s Monnet Ispat Mines were not found operational.</p> <p>- In case of installation of CAAQMS all the mines have informed that as per mandatory conditions of EC and CTO fixed location ambient air Quality monitoring is being conducted by the units and reports are regularly submitted to MoEF&CC and CECB.</p>
f)	<p>Proper repairing and maintenance of roads both inside and outside the mine area to ensure smooth movement of trucks and other load carrying vehicles. (Action by Public Works Department and respective mining companies). Indian Railways to be directed to submit a time-bound action plan for commissioning of the railway line in Tamnar and Gharghoda blocks to ensure all coal transportation by rail.</p>	<p>- Letter issued to PS, PWD, S1/03, Mahanadi Bhawan, Raipur by this office vide number RDB/ NGTOA-104/2018/553 dated 07.09.2020. EE PWD was present before committee to appraise the status of PWD roads in the area. Committee has observed very bad road condition in Tamnar and Gharghoda area which seems to be one of the major factors for deterioration of ambient air quality. EE PWD Sh. Khamra has informed the committee about requirement of immediate construction of approximate 111 Km CC road (Raigarh to Dharmajay Garh about 76 Km and Punjipatra to Milupara</p>

		<p>about 35 Km) but due to budget constraint the work is pending since last several years. More over SECL has paid an amount of 42 Crore to Raigarh PWD for construction of 19 kms, 7m wide tar road from Gharghoda to Jampali in compliance of Hon'ble NGT order.</p> <p>- IRCON International Limited, in reference to our letter dated 07.09.2020 has informed that 44 Km Railway line work from Kharsia- GharghodaKorichhapar has been completed and started transportation of coal. Work for 14 km rail line from Gharghodabhalumuda- Gare Palma will be completed by June 2021. Rail line work from Karichhapar – Kurumkela- Dharamjaygarh will be completed by December 2020. IRCON has to construct 05 numbers of coal siding in Tamnar and Gharghoda area for increasing rail coal transportation. As on date of committee visit IRCON has completed 03 coal siding and made 01 siding operational, 02 more siding will be made operational by December 2020. As informed by the representative of Indian Railway rest 02 sidings shall be completed by March 2021. (Annexure-V) Compliance in Progress</p>
g)	Proper and free health care facilities with multispecialty treatment system may be provided in all coal mineadjacent villages as per the recommendations of the committee report of 14.6.2019 in the Dukalu Ram (OA 314/2014 CZ) case. (Action by respective coal mine companies).	Mitigation measure for health issues is to be overseen by the Principal Secretary, health, Govt. of Chhattisgarh. For this purpose, the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary Health, Govt. of Chhattisgarh is at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds.
h)	Strict vigilance by MOEF&CC for green belt development compliance as per EC conditions	MoEF&CC has started close monitoring for green belt development in all coal mines. Compliance in progress.
i)	We also recommend that no	Letter has been issued to

	<i>further conversion of UG mines to Open Cast mines be permitted in Tamnar and Gharghoda, keeping in mind the environmental costs in terms forest loss, major noncompliance in pollution control and social cost(rehabilitation).</i>	<i>MoEF&CC (IA-Coal) for implementation of restriction on conversion of UG coal mines to OC coal mines in Tamnar and Garghoda area of District Raigarh.</i>
02	LONG TERM MEASURES	
a)	<i>Commissioning a detailed and comprehensive environmental load carrying capacity study (as mentioned in NGT order), to be carried out by a reputed environmental research institute over a 24 month period.</i>	<i>The matter was discussed with CPCB HO and got advised to include the project in State EC fund as defined by Hon'ble NGT. In order of this proposal for the same has been prepared by CECB and submitted to CPCB for compilation of all project and submission before Hon'ble NGT. Annexure-VI</i>
	<i>Mode of commissioning of this study may please be decided by the Hon'ble NGT and necessary directions may please be issued accordingly</i>	Compliance in progress.
b)	<i>To reduce the pollution and other impacts caused by road transport of coal and other minerals directions may be issued that coal transport by road from coal mines or to thermal power plants in these two blocks will be permitted only for 1 year, after which transport must be done by rail of closed conveyor belt.</i>	<i>As per report obtained from SECL it is evident 35% increase in daily average dispatch by rail in comparison to the FY-2019-20 after construction of new rail line between Kharsia-Gharghoda- Korichhapar. Coal dispatch from Korichhapar railway siding commenced in the FY2019-20. It is assumed that coal transport by rail may increase by 50% in addition to earlier transport in rail by December 2020.</i>
c)	<i>Condition of green belt development may be incorporated at TOR stage of EC application to ensure that green belt work shall be in place at the time of final presentation for obtaining EC, which shall be verified by MoEF&CC. Further while granting TOR, EAC should specify the location of the green belt to provide buffer between coal mine and human settlements and specify sufficient width of the green belt for the same.</i>	<i>Copy of Hon'ble NGT order dated 27.02.2020 has been sent to IA-Coal on 18.09.2020 for further necessary action by MoEF&CC.</i>
d)	<i>Ministry of coal be directed to include the necessary provisions to ensure the acceptance of fly ash in coal mines for disposal through OB dump and backfilling as per fly ash notification of 2009.</i>	<i>Pursuant upon long deliberations by CPCB, Central Electricity Authority, NTPC and Ministry of Coal through Task Force, list of 24 abandoned OC mines of Chhattisgarh has been submitted to be used for filling of fly ash generated from TPP. Process of allocation of these mines to TPP of Chhattisgarh is under taken by CECB and is on advance stage.</i>

”

4. The Committee has also made field observations and recommendations as follows:

“FIELD OBSERVATIONS:

1. Pursuant upon long deliberations by CPCB, Central Electricity Authority, NTPC and Ministry of Coal through Task Force, list of 24 abandoned OC mines of Chhattisgarh has been submitted to be used for filling of fly ash generated from TPP. Member Secretary CECB has informed about considering mine wise allocation of abandoned coal mines as declared by CEA vide its letter dated 14.02.2020. The co-operation of SECL is not satisfactory as many applications of TPP of Tamnar & Gharghoda area are lying unattended by SECL.
2. District collector, Raigarh has issued letter to concern departments for directing all gram panchayats for not issuing any NOC to use low lying area for disposal of Fly ash. During visit committee has observed restriction on fly ash disposal in low lying areas particularly in agricultural fields of the villages.
3. In compliance of letter issued by Nodal Officer of the committee on 07.09.2020 to PS, PHED, Raipur, it was informed that PHED has established water testing laboratory at Gharghoda and Raigarh for testing of drinking water quality of the area. PHED, Raigarh has also established 06 control rooms and circulated the contact numbers of the concern officers to manage any crisis of drinking water availability in Raigarh District. In order to provide proper treatment for removal of any geogenic contaminants PHED Raigarh has also provided 05 Electrolytic DE fluoridation (EDF) plants in 03 villages (Pata, Mudagaon, Saraitola) of Tamnar Block. Moreover 12 hand pumps, 02 Power pumps and 01 tap water supply have been provided in Kondkel area. In addition to above PHED, Raigarh has also proposed drinking water supply scheme (Rs. 1270.41 Lakh project cost) for 10 mining effected villages of Tamnar Block. The details submitted by PHED, Raigarh was verified in Kondkel Village and found insufficient with respect to population of the village. The representative of PHED present during visit of the committee has informed that PHED has established 04 hand pumps, 04 Power pumps and 01 tap water supply have been provided in Kondkel area. The residents of the village has informed about frequent lowering of ground water table due to UG mining activity. Representative of the PHED was also in concurrence with the observation of the villagers. In order to ensure regular and good water quality to villagers the committee has directed M/s Hindalco to provide tap water supply from mine in village and ensure quality of water in coordination with PHED Raigarh. M/s Hindalco Coal Mine shall also submit report on quantity of mine water generation from UG mines to make an assessment for water supply required from PHED.

4. *Installation of CCTV system in mines of the area was reported complied by all mines whereas its proper operation and recording is to be ensured by SECL in its all mines located in Chhal and Gare Palma.*
5. *EE PWD was present before committee to appraise the status of PWD roads in the area. Committee has observed very bad road condition in Tamnar and Gharghoda area which seems to be one of the major factors for deterioration of ambient air quality. EE PWD Sh. Khamra has informed the committee about requirement of immediate construction of approximate 111 Km CC road (Raigarh to Dharmajay Garh about 76 Km and Punjipatra to Milupara about 35 Km) but due to budget constraint the work is pending since last several years. An amount of Rs. 335 Crore may be required to complete the construction of CC road in the area of Tamnar and Gharghoda. More over SECL has paid an amount of 42 Crore to Raigarh PWD for construction of 19 kms, 7m wide tar road from Gharghoda to Jampali in compliance of Hon'ble NGT order.*

IRCON International Limited, in reference to our letter dated 07.09.2020 has informed that 44 Km Railway line work from Kharsia – Gharghoda – Korichhapar has been completed and started transportation of coal. Work for 14 km rail line from Gharghoda – Bhalumuda – Gare Palma will be completed by June 2021. Rail line work from Karichhapar – Kurumkela – Dharamjaygarh will be completed by December 2020. IRCON International Limited, in reference to our letter dated 07.09.2020 has informed that 44 Km Railway line work from Kharsia – Gharghoda – Korichhapar has been completed and started transportation of coal. Work for 14 km rail line from Gharghoda – Bhalumuda – Gare Palma will be completed by June 2021. Rail line work from Karichhapar – Kurumkela – Dharamjaygarh will be completed by December 2020. IRCON has to construct 05 numbers of coal siding in Tamnar and Gharghoda area for increasing rail coal transportation. As on date of committee visit IRCON has completed 03 coal siding and made 01 siding operational, 02 more siding will be made operational by December 2020. As informed by the representative of Indian Railway rest 02 sidings shall be completed by March 2021. As per data received from major mining company of the area i.e. SECL, it is reported that 35% coal transport increase has been observed in comparison to last financial year 2019-2020. (AnnexureVII) It is assumed that coal transport by rail may increase by 50% in addition to earlier transport in rail by December 2020.

6. *In reference to instruction on point 2 (a) (ii) regarding carrying capacity study, CPCB has advised CECB to include the project cost in EC fund sponsored project and proposal for same has been prepared by CECB and submitted to CPCB for further essential action.*
7. *The committee has also discussed the issues in meeting with Collector, Raigarh to expedite the required development as*

directed by Hon'ble NGT in its order. The outcome of the meeting has been considered in the recommendations.

In view of the above field observations, the recommendations of oversight committee are as under.

RECOMMENDATIONS :

- 1. In order to ensure development of health facilities in the villages of mining affected areas, Principal Secretary, Health Chhattisgarh Government may be advised to keep informing the oversight committee about development made in health facilities.**
- 2. Hon'ble NGT may like to direct Principal Secretary, PWD, Chhattisgarh Government to sanction budget of Rs. 335 crore (@Rs 3.00 crore per km) for construction of CC road approximately 111 km length of 7m width (Raigarh to Dharmajay Garh about 76 Km and Punjipatra to Milupara about 35 Km) and ensure its execution before March 2021. In this context time bound action plan with bank guarantee of Rs. 35 Crore may be obtained from PWD, Chhattisgarh to ensure timely execution of the work.**
- 3. Directions from Hon'ble NGT may also be issued to CMD, SECL, Bilaspur to expedite allotment of abandoned coal mines in consultation with CECB and complete it before 31st December 2020."**

5. From the above, it does appear that action so far taken is not adequate and further steps need to be taken in the light of the recommendations made. The Principal Secretary, Health and the PWD Department, Chhattisgarh Government and the South Eastern Coalfields Limited (SECL) may act as per recommendations of the Committee. Coal transportation by rail be increased for abatement of air and dust pollution.

6. Further, the applicant has given suggestions by way of written submission filed on 18.11.2020, inter-alia to the effect that contaminated sites be seen, fly ash dumping in low-lying areas be ensured and such dumping should not be in unscientific manner. The legacy fly ash dumps be remediated. Air and land pollution due to fire in the coal mines be remedied. Coal transportation by trucks must be done on scientific basis

and transportation by conveyor belts be preferred. Road maintenance be improved. Continuous Ambient Air Quality Monitoring Station (CAAQMS) be installed. Steps be taken for recharge of the ground water. Water supply to the concerned villages be provided by pipes. The submission of the applicant are:

“
 5. *That at the outset it is stated that the Committee did not meet with Applicants during their recent visit which was important as the Applicants would have shown the contaminated sites to the committee which are grossly missing in the present Report dated 17h November,2020. The Committee has only seen the sites which the CECB has shown to it. It is submitted that the Committee should plan an immediate visit after informing the Applicants so that the Applicants can help the Committee to identify the contaminated sites and resolve the environmentally problematic issues as mentioned in the Order dated 27.02.2020 of this Hon’ble Tribunal.*

6. *That Overall the report does not provide any evidence (in the form of photos, lists of sites visits, descriptions, who did they meet etc) to back up its conclusions. For example in places where the committee has come up with conclusion that fly ash dumping in low lying areas have been restricted. It is stated that no proof has been given for the same. There are no photographs that have been attached or list provided of which sites they have visited and what information they have noted by the Committee. Also the local community members have provided a list of sites and photo documentation of how new fly ash dumping sites have been created in various parts of the region in violation of the Hon’ble NGT's Order/s however till date no action has been taken in any of these cases. The Applicants are annexing the recent photographs showing that the fly ash dumping is still taking place and nothing has been done with respect to removal of legacy fly ash dumps. The non-clean up of legacy fly ash dumps would lead to leachate when it comes in contact with water and would further lead to water and soil pollution.*

Photographs alongwith GPS location and date are annexed herewith showing the Fly ash dumps which are annexed herewith as ANNEXURE-B (Collectively).

7. *That it is also important to point out that the Coal mines of Gare IV/2 and Gare IV/3 is also witnessing air and land pollution due to fire in Coal mines of Gare IV 12 and Gare IV/3. Had the Committee contacted the local community members they would have shown the sites which are witnessing fire in Coal Mines. Recent Photographs showing the fire in Coal mines of Gare IV/2 and Gare IV/3 are annexed herewith as ANN EXURE-C (Collectively).*

8. *That on the issue of coal transportation by trucks, the committee has given a vague response of "seems to be complied" which does not make any sense, either the condition is complied or not to be complied. However the committee has once again not provided any details of the transportation of coal via conveyor belts such as trip sheets or how much quantum of coal has been transported by a conveyor belt to provide proof that the condition is being complied with. Mere vague statement of the committee in this regard cannot be accepted as proof.*
9. *That the direction about CAAQMS has NOT BEEN COMPLIED WITH. What is even more shocking that, the committee which has been appointed to oversee the implementation of the direction is justifying the non-compliance by advancing the industry's faulty logic in this regard, It is stated that EC and CTO condition is to provide regular monitoring data which is not the same as a24X7 and 365 day monitoring through OAAQMS.*
10. *That the committee itself observes bad road in the region hence it is clear that road maintenance direction has NOT been complied with.*
11. *That Directions regarding the mitigation measures of health issues in the region HAVE NOT been complied with. The Principal Secretary-Health, GoW. of Chhattisgarh has not been implementing any health related measures and local community health is in a very precarious situation which fact is observed in a recent Health Assessment RepoG 2019-2020 titled "HEALTH ASSESSMENT OF VILLAGERS OF TAMNAR BLOCK, DISTRICT RAIGARH (C.G.)" submitted to Indian Council of Medical Research, New Delhi, Year 2019-2020. Copy of relevant pages of this study is annexed herewith as ANNEXURE-D.*
12. *That on the issue of green belt development, the committee has pushed the responsibility on MoEF&CC. It is not clear in describing the actual status on the ground. there is no actual evidence provided by the committee to support their "compliance in progress" remark. The committee's vague remark without any submission of documents of the mine wise status of greenbelt development is nothing but mere bald assertions without any proof.*
13. *That regarding the water testing laboratories at Gharghoda and Raigarh for testing of drinking water quality there is no evidence on record that the same are in fit working condition. Similarly, on the issue of water testing, the Applicants state that in Saraitola area the water contains high fluoride content and there is no evidence on record to show that Electrolytic DE fluoridation(EDF) Plants in 3 villages (Pata, Mudgaon, Saraitola are in fit working condition). The Committee has failed to provide any testing results from the area as to what was found in the drinking water and whether the same was*

in usable condition by the local villagers. There is no evidence or proof filed by committee regarding the sites where the drinking water is potable and where the same is not potable and need further treatment for the villagers to be used. There should be a timeline provided by the Committee to test the water quality in the Tamnar and Gharghoda blocks and a study regarding the sites of potable water needs to be done in coordination with PHED and the local villagers.

14. *That the Committee has agreed that there is a problem of frequent lowering of ground water table due to mining activity at page 7 of the Report.*
15. *Inspite of acknowledging the problem of frequent lowering of ground water table due to mining there are no plans or action taken proposed for replenishing the fast depleting water table or curbing the future mining activity.*
16. *It also states that M/s Hindalco has been told to provide Tap water supply from the mine in the village and ensure quality of water in co-ordination with PHED Raigarh. It is stated that the same should be done for Neelupara and adjoining area where there are very few drinking water facilities. The Report is silent on new sites where drinking water facility has been provided.*
17. *That in the long term compliance section the details provided in Annexure VI for the carrying capacity study is grossly insufficient. The proposal of CECB is to just conduct a source apportionment study. A source apportionment study cannot be considered as a carrying capacity study. Source Apportionment (SA) is the practice of deriving information about pollution sources and the amount they contribute to ambient air pollution levels. The concept of carrying capacity describes the relationship between resources, environment and human activities to ensure sustainability. Carrying capacity is also defined as "the growth limits an area can accommodate without violating environmental capacity goals". The carrying capacity study will assess the maximum number of individuals/ industrial activities that an area's resources can sustain indefinitely without significantly depleting or degrading those resources or causing environmental or public health depletion. It is re-iterated that a proper detailed proposal on carrying capacity study has to be done and shared with the community before progressing with the compliance."*

The above suggestions may be duly considered by the concerned authorities and the Committee which may be coordinated by the CPCB.

We also direct the Collector, Raigarh will stand inducted as Member of the Committee. The applicant has also filed IA No. 382/2020 for a

direction that expansion of the project be allowed only after carrying capacity assessment is done. This aspect may be gone into by the Expert Appraisal Committee (EAC).

7. A further status report may be furnished after four months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List for further consideration on 13.04.2021.

A copy of this order be forwarded to the MoEF&CC, NEERI, CPCB, State PCB, Dr. Sarat Chander Lele, EAC Member Coal and Thermal, MoEF&CC and the Collector, Raigarh by e-mail for compliance.

M. A. Nos. 279/2018 and 858/2018 which were filed in the year 2018, may be treated as disposed of in view of the above order. Execution Application 05/2019 also stands disposed of.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. S.S. Garbyal, EM

Dr. Nagin Nanda, EM

November 20, 2020

M.A. No. 279/2018, M.A. No. 858/2018
& I.A. No. 382/2020 in OA No. 104/2018
and EA No. 05/2019 IN O. A. No. 104/2018
DV

Annexure A-3

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO: 104 OF 2018**

IN THE MATTER OF:-

SHIVPAL BHAGAT & ORS.

...APPLICANT

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

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THROUGH


RITWICK DUTTA RAHUL CHOUDHARY SAURABH SHARMA
ADVOCATES

Counsels for Applicant
 N-71, Lower Ground Floor, Greater Kailash-I,
 New Delhi- 110048
Litigation.life@gmail.com
 9810983559

New Delhi
Date: 18.11.2020

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO: 104 OF 2018**

IN THE MATTER OF:-

SHIVPAL BHAGAT & ORS.

...APPLICANT

VERSUS

UNION OF INDIA & ORS

...RESPONDENTS

WRITTEN SUBMISSION ON BEHALF OF THE APPLICANTS TO THE REPORT

DATED 24.07.2020 FILED BY THE CPCB

MOST RESPECTFULLY SHOWETH:-

1. That the Applicants have filed the present Original Application seeking directions to Respondents with respect to remediation of environment including soil, water and air, in villages Kosampalli, Dongamahua, Kodkel, Kunjemura and Regaon. Nagmuda, Milupara ,Sakta which fall under the Tamnar Block, as well as Bhengari, Charmar, Khokroama and Tendनावapara, Chal etc of Ghargoda block, which has, over the years, been severely damaged by the violation of environmental norms by mines, thermal power plants, coal washeries and other such industries operating in these villages. The contents of the accompanying Original Application be read as part and parcel of this Submission and the same are not been reproduced for the sake of brevity.
2. That the Committee in it's Report dated 14.10.2019 had stated the various violations by the industries and its adverse impact on health and environment and gave various recommendations. The Hon'ble NGT passed a detailed Order on 27th February, 2020 taking note of the recommendations which had to be implemented by the Oversight Committee.
3. That the CPCB has filed a Report dated 24th July,2020 before the Hon'ble Tribunal where it is categorically mentioned at Page 2-para 5 that:-

" A cursory examination of the Report indicated several area of non-compliance with the NGT Order. The Committee shall follow up with the respective Companies regarding the same".

4. That to the Report of the CPCB dated 24th July,2020 the Applicants had filed their Response inform of Written Submission dated 27.07.2020 and various non-compliances were highlighted with media reports and photographs. Copy of the Report dated 27.07.2020 filed by the Applicants is annexed herewith as

ANNEXURE-A

**RESPONSE TO THE REPORT DATED 17TH NOVEMBER, 2020 FILED BY
CPCB**

5. That at the outset it is stated that the Committee did not meet with Applicants during their recent visit which was important as the Applicants would have shown the contaminated sites to the committee which are grossly missing in the present Report dated 17th November,2020. The Committee has only seen the sites which the CECB has shown to it. It is submitted that the Committee should plan an immediate visit after informing the Applicants so that the Applicants can help the Committee to identify the contaminated sites and resolve the environmentally problematic issues as mentioned in the Order dated 27.02.2020 of this Hon'ble Tribunal.
6. That Overall the report does not provide any evidence (in the form of photos, lists of sites visits, descriptions, who did they meet etc) to back up its conclusions. For example in places where the committee has come up with conclusion that fly ash dumping in low lying areas have been restricted. It is stated that no proof has been given for the same. There are no photographs that have been attached or list provided of which sites they have visited and what information they have noted by the Committee. Also the local community members have provided a list of sites and photo documentation of how new fly ash dumping sites have been created in various parts of the region in violation of the Hon'ble NGT's Order/s however till date no action has been taken in any of these cases. The Applicants are annexing the recent photographs showing that the fly ash dumping is still taking place and nothing has been done with respect to removal of legacy fly ash dumps. The non-clean up of legacy fly ash dumps

would lead to leachate when it comes in contact with water and would further lead to water and soil pollution.

Photographs alongwith GPS location and date are annexed herewith showing the Fly ash dumps which are annexed herewith as **ANNEXURE-B (Collectively)**.

7. That it is also important to point out that the Coal mines of Gare IV/2 and Gare IV/3 is also witnessing air and land pollution due to fire in Coal mines of Gare IV/2 and Gare IV/3. Had the Committee contacted the local community members they would have shown the sites which are witnessing fire in Coal Mines. Recent Photographs showing the fire in Coal mines of Gare IV/2 and Gare IV/3 are annexed herewith as **ANNEXURE-C (Collectively)**.
8. That on the issue of coal transportation by trucks, the committee has given a vague response of "seems to be complied" which does not make any sense, either the condition is complied or not to be complied. However the committee has once again not provided any details of the transportation of coal via conveyor belts such as trip sheets or how much quantum of coal has been transported by a conveyor belt to provide proof that the condition is being complied with. Mere vague statement of the committee in this regard cannot be accepted as proof.
9. That the direction about CAAQMS has **NOT BEEN COMPLIED WITH**. What is even more shocking that, the committee which has been appointed to oversee the implementation of the direction is justifying the non-compliance by advancing the industry's faulty logic in this regard. It is stated that EC and CTO condition is to provide regular monitoring data which is not the same as a 24X7 and 365 day monitoring through CAAQMS.
10. That the committee itself observes bad road in the region hence it is clear that road maintenance direction has NOT been complied with.

11. That Directions regarding the mitigation measures of health issues in the region HAVE NOT been complied with. The Principal Secretary-Health, Govt. of Chhattisgarh has not been implementing any health related measures and local community health is in a very precarious situation which fact is observed in a recent Health Assessment Report, 2019-2020 titled "HEALTH ASSESSMENT OF VILLAGERS OF TAMNAR BLOCK, DISTRICT RAIGARH (C.G.)" submitted to Indian Council of Medical Research, New Delhi, Year 2019-2020. Copy of relevant pages of this study is annexed herewith as **ANNEXURE-D.**
12. That on the issue of green belt development, the committee has pushed the responsibility on MoEF&CC. It is not clear in describing the actual status on the ground. there is no actual evidence provided by the committee to support their "compliance in progress" remark. The committee's vague remark without any submission of documents of the mine wise status of greenbelt development is nothing but mere bald assertions without any proof.
13. That regarding the water testing laboratories at Gharghoda and Raigarh for testing of drinking water quality there is no evidence on record that the same are in fit working condition. Similarly, on the issue of water testing, the Applicants state that in Saraitola area the water contains high fluoride content and there is no evidence on record to show that Electrolytic DE fluoridation(EDF) Plants in 3 villages (Pata, Mudgaon, Saraitola are in fit working condition). The Committee has failed to provide any testing results from the area as to what was found in the drinking water and whether the same was in usable condition by the local villagers. There is no evidence or proof filed by committee regarding the sites where the drinking water is potable and where the same is not potable and need further treatment for the villagers to be used. There should be a timeline provided by the Committee to test the water quality in the Tamnar and Gharghoda blocks and a study regarding the sites of potable water needs to be done in coordination with PHED and the local villagers.

14. That the Committee has agreed that there is a problem of frequent lowering of ground water table due to mining activity at page 7 of the Report.
15. In spite of acknowledging the problem of frequent lowering of ground water table due to mining there are no plans or action taken proposed for replenishing the fast depleting water table or curbing the future mining activity
16. It also states that M/s Hindalco has been told to provide Tap water supply from the mine in the village and ensure quality of water in co-ordination with PHED Raigarh. It is stated that the same should be done for Neelupara and adjoining area where there are very few drinking water facilities. The Report is silent on new sites where drinking water facility has been provided
17. That in the long term compliance section the details provided in Annexure VI for the carrying capacity study is grossly insufficient. The proposal of CECB is to just conduct a source apportionment study. A source apportionment study cannot be considered as a carrying capacity study. Source Apportionment (SA) is the practice of deriving information about pollution sources and the amount they contribute to ambient air pollution levels. The concept of carrying capacity describes the relationship between resources, environment and human activities to ensure sustainability. Carrying capacity is also defined as "the growth limits an area can accommodate without violating environmental capacity goals". The carrying capacity study will assess the maximum number of individuals/ industrial activities that an area's resources can sustain indefinitely without significantly depleting or degrading those resources or causing environmental or public health depletion. It is re-iterated that a proper detailed proposal on carrying capacity study has to be done and shared with the community before progressing with the compliance.

It is Prayed that :-

1. Reject the Report dated 17.11.2020 submitted by the CPCB.
2. Direct the Committee to give a proper Action Plan for implementation of the Report dated 14.10.2019.
3. Direct the Oversight Committee to implement the Recommendations of the Report dated 14.10.2019 filed earlier in this matter and the Order dated 27.02.2020 of this Hon'ble Tribunal.
4. Direct the Oversight Committee to immediately visit the Gharghoda and Tamnar Blocks with prior information to the Applicants so that the Applicants can help the Committee to identify the contaminated sites and resolve the environmentally problematic issues
5. Direct the Committee to visit the sites mentioned or cited by the Applicants in the Photographs attached by them in Annexures.
6. Direct the Committee to give specific status in accordance with the complaints of the local community regarding fly ash dumping and fire in coal mines
7. Directions be issued to Principal Secretary-Health, Govt. of Chhattisgarh to carry out Health initiatives in Gharghoda and Tamnar Blocks of District Raigarh as no health initiatives have been started which shows a very lax and non serious attitude in curbing pollution and file action taken report . Even the polluting industries have to be penalized
8. Direct the Committee to submit proper plans for water recharge
9. Direct that an independent person be the chair of the oversight committee
10. The EAC is giving approvals for projects without the carrying capacity study being conducted. That EAC should pass any such approval through the oversight committee and not approve any proposal till the carrying capacity is Done
11. Direct that the committee puts its functioning on the public domain

Any other or further relief may also be granted in favour of the Applicants and against the Respondents.



(SAURABH SHARMA)
Counsel for the Applicants

Annexure - A

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO: 104 OF 2018**

IN THE MATTER OF:-

SHIVPAL BHAGAT & ORS.

...APPLICANT

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THROUGH

hm
RITWICK DUTTA RAHUL CHOUDHARY SAURABH SHARMA
ADVOCATES

Counsels for Applicant
N-71, Lower Ground Floor, Greater Kailash-I,
New Delhi- 110048

Mob. - 9810983559

New Delhi

Date: 27/7/2020

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO: 104 OF 2018**

IN THE MATTER OF:-

SHIVPAL BHAGAT & ORS.

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WRITTEN SUBMISSION ON BEHALF OF THE APPLICANTS TO THE REPORT

DATED 24.07.2020 FILED BY THE CPCB

MOST RESPECTFULLY SHOWETH:-

1. That the Applicants have filed the present Original Application seeking directions to Respondents with respect to remediation of environment including soil, water and air, in villages Kosampalli, Dongamahua, Kodkel, Kunjemura and Regaon. Nagmuda, Milupara ,Sakta which fall under the Tamnar Block, as well as Bhengari, Charmor, Khokroama and Tendनावapara, Chal etc of Ghargoda block, which has, over the years, been severely damaged by the violation of environmental norms by mines, thermal power plants, coal washeries and other such industries operating in these villages. The contents of the accompanying Original Application be read as part and parcel of this Submission and the same are not been reproduced for the sake of brevity.
2. That the Committee in it's Report dated 14.10.2019 had stated the various violations by the industries and its adverse impact on health and environment and gave various recommendations. The Hon'ble NGT passed a detailed Order on 27th February, 2020 taking note of the recommendations which had to be implemented by the Oversight Committee.
3. That it has been 4 months and there has been no compliance on the ground and the violations continue in complete violation of the Hon'ble NGT's directions.
4. That the CPCB has filed a Report dated 24th July,2020 before the Hon'ble Tribunal where it is categorically mentioned at Page 2-para 5 that:-

" A cursory examination of the Report indicated several area of non-compliance with the NGT Order. The Committee shall follow up with the respective Companies regarding the same".

5. The minutes also mentions all the polluting industries and that have to be given notices and comply. Some of these industries mentioned in the minutes are Hindalco Industries, Mahavir Industries, Monnet Ispat, SECL, Jindal Power Limited, etc.
6. That it is stated that the above statement of the Committee also points towards the non-compliance, with respect to the violation of the Order of this Hon'ble Tribunal's Order/s in this matter from time to time.
7. That according to the Applicant there are media reports published in June, 2020 which clearly mention that the Company's like TRN and Mahavir are now dumping ash in Bhengari village forest area next to their respective plants in Gharghoda Tehsil. The ash dump already existing has still not been cleaned up and the ash is flowing into the nearby fields because of the rains leading to soil and water pollution of the area. This situation will get worse with the onset of monsoon and the adverse impact on health and environment is very hazardous.
8. Since this is in direct violation of the NGT orders these units should be shut down till the violation is stopped and there is complete clean-up of the contaminating waste and legacy fly ash.
9. That there is also no mention on the compliance on the point of health impact which was to be undertaken by the health ministry, Chhattisgarh State.
10. The Order dated 27th February, 2020 should be implemented in the Tehsils of Tamnar and Garghoda, District Raigarh, Chhattisgarh and dumping of ash in low lying areas should be stopped immediately and the legacy ash needs to be cleared immediately throughout the district Raigarh. The Committee Report clearly states that in Gharghoda, TRN and Mahavir Industries continue to dispose fly ash in low lying areas as does Jindal Power Ltd. in Tamnar.
11. That while the committee has recommended back filling with fly ash, it is to be done in a systematic manner with ash being put only in the deep ends and then

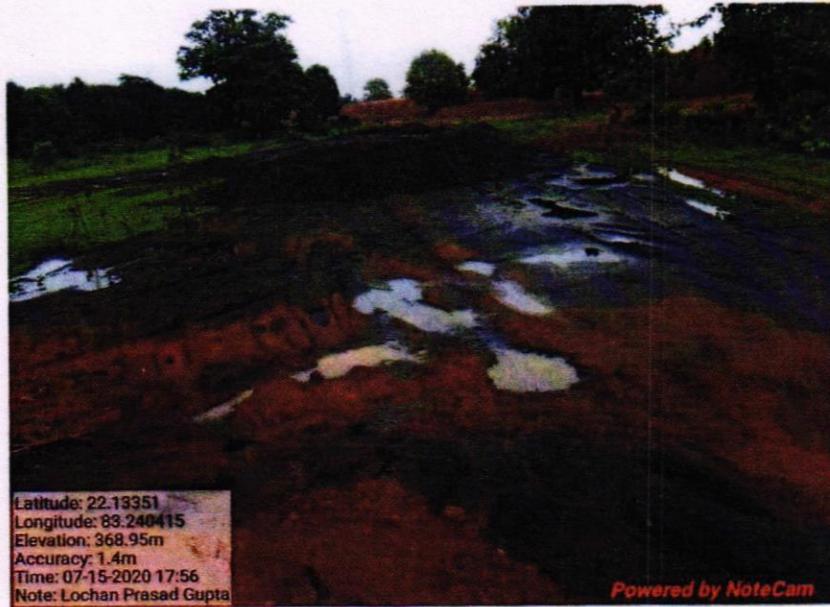
covered with adequate topsoil. But the ground report indicates that the ash is being dumped in mines too close to human habitation and the villagers are now complaining of air pollution and water contamination as in the case of Gare Pelma IV 2/3).

Photographs and Media Reports may kindly be perused in this regard which are annexed herewith as **ANNEXURE-1 to 5.**

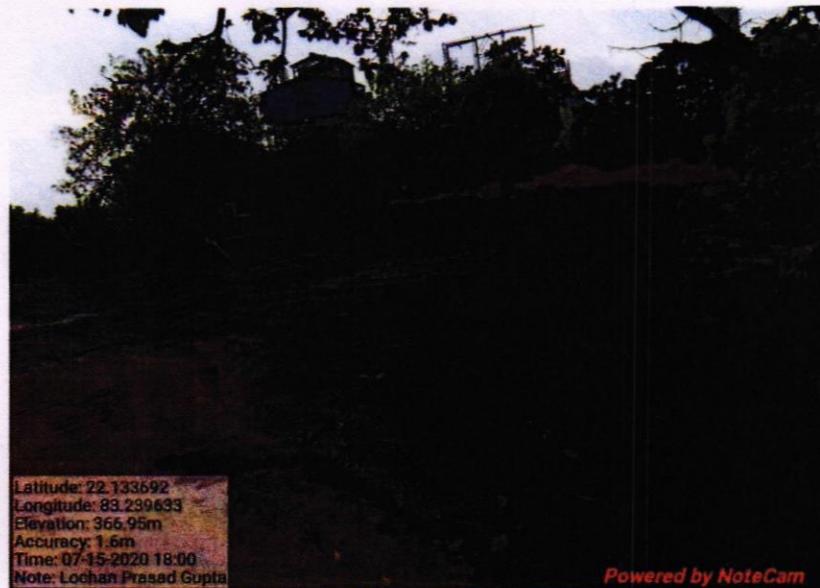
12. The issue of fires in the mines especially Gare IV/2 and 3 has also not been adequately addressed.
13. That it is important that the short term recommendations need to be implemented immediately throughout district Raigarh and steps be taken for preparing for long term one.
14. That the Oversight Committee's Recommendation of no conversion of underground mines into open cast, also need to be conveyed to the EAC and MoEF&CC.
15. That it also prayed that the records of compliance and minutes of meeting of the Oversight Committee should be made public by the Oversight Committee on CPCB website.
16. That in it's Order dated 27.02.2020 this Hon'ble Tribunal had observed that " any further expansion or new projects in the area should be allowed after thorough evaluation only". Therefore, it is prayed that the Order dated 27.02.2020 in this Matter alongwith the Report dated 14.10.2019 be conveyed to the EAC and MoEF&CC and Ministry of Coal by the Oversight Committee .


(SAURABH SHARMA)
Counsel for the Applicants

ANNEXURE -1



Fly Ash being disposed in forest area by TRN and Mahavir



Fly Ash being dumped by TRN on forest land behind their power plant



Old fly ash dump created by Mahavir on private land, dust and leachate contaminating agricultural and in the vicinity.



Fly ash being indiscriminately disposed of in Gare Pelma IV/2 and 3 mines, very close to human habitation. Villagers are complaining of severe air pollution and groundwater contamination.

कृषि क्षेत्र में किसानों को लाभ देने के लिए सरकार द्वारा अनेक योजनाएं चलाई जा रही हैं। इनमें से एक है 'राशन कार्ड'। इसका मकसद एक ही राशन कार्ड पर देश में कहीं भी जन वितरण किया जाएगा।

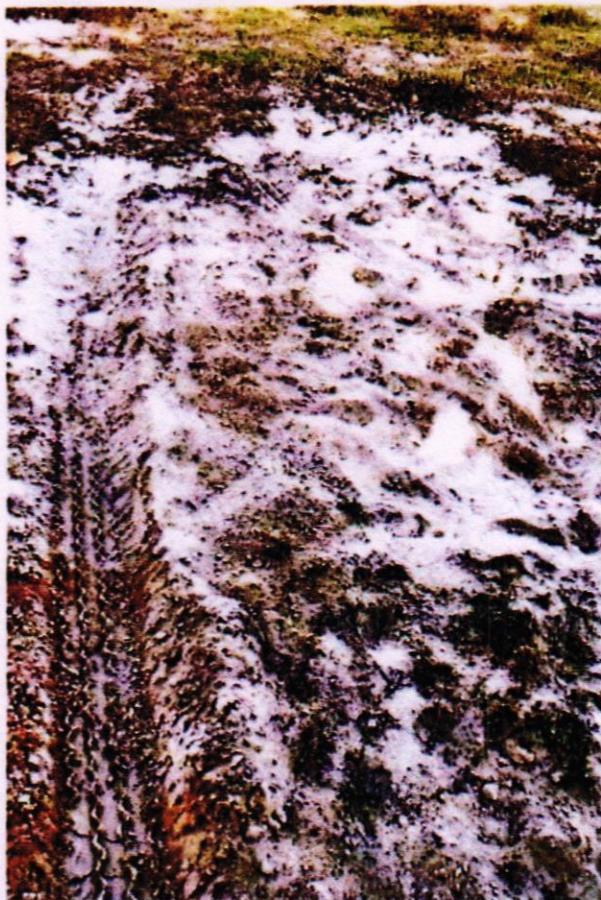
व गा डबरी में फेंका फलाई एश, ग्रामीण हलाकान

रायगढ़। जिले में सैकड़ों उद्योग का संचालन होता है जिनमें गाहने-वगाहने मनमानी की शिकायत आती रहती है। इन शिकायतों में सबसे ज्वलंत शिकायत फलाईएश डस्ट को लेकर है जिसे कंपनी प्रबंधन द्वारा अवैधानिक रूप से सड़क किनारे ग्रामीणों के खेत खुलिहान जंगल, नदी नालों में फेंककर पाटने का काम किया जाता है। ऐसा ही वाक्या धरघोड़ा क्षेत्र में मौजूद टी आरएन कंपनी द्वारा किया जा रहा है। जिससे कटगडौह समेत आसपास के दर्जनों गांव के ग्रामीणों द्वारा जगह-जगह फलाईएश राखड़ फेंके जाने का मुखालफत करते हुए शिकायत करने की कवायद में जुट गए हैं।

वर्तन
रिषि)।
ध के
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। मिश्रा
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का है।

कटगडौह के ग्रामीणों ने बताया कि में ब्लाक में मौजूद भेगारी गांव में टीआरएन नामक कंपनी का संचालन होता है जिसमें से रोजाना बड़ी मात्रा में राखड़ का उत्सर्जन होता है जिसे कंपनी से बाहर निकालने कंपनी प्रबंधन द्वारा ट्रकों के माध्यम से प्रस्तावित राखड़ डेम में डालना होता है। लेकिन पर्यावरण व फैक्टरी नियमों का उल्लंघन करते हुए उक्त राखड़ रोड किनारे ग्रामीणों के खेत खुलिहान अन्य स्थानों में फेंका जा रहा है। ग्रामीणों के मुताबिक वैहामुड़ा, धरघोड़ा वायपास रोड के पास भेगारी, नवापारा में दुसकर जीता जागता सवृत हर दिन 24 घण्टे देखने को मिल सकता है। उड़ते हुए जहर नुमा राखड़ से ग्रामीण परेशान है। इससे लोगों के घरों में फसलों में स्वास के माध्यम से शरीर के भीतर प्रवेश कर रहा है जीवन को अस्त व्यस्त करके रख दिया है। इस तरह अब कंपनी प्रबंधन के खिलाफ मोर्चा खोलने की तैयारी कर रहे हैं।

वारिशा के पानी के साथ सरपंच के खेत में आया राखड़ : उद्योग की मनमानी से ग्रामीण जनता तो हलाकान है । साथ ही जनप्रतिनिधि भी इसके भुक्तभोगी हैं । ऐसा ही वाक्या कटगडौह निवासी वैहामुड़ा सरपंच के साथ सामने आया है। सरपंच हरिचरण राटिया ने बताया कि उसके खेत में भारी मात्रा में वारिशा के पानी के साथ राखड़ आ गया । इसकी सूचना मिलने के बाद को देखने आया जहां मौजूद मुआयना किया तो ज्ञात हुआ कि यह राखड़ उसके खेत के अगले तालाब के पास भारी मात्रा में राखड़ डप किया गया है।



रायगढ़। खेत में रखा राखड़ • नईदुनिया

मेरे क्षेत्र के कुछ स्थानों में लगातार उद्योग प्रबंधन द्वारा मनमानी करते और नियमों का उलघन करते हुए राखड़ कहीं भी डप कर रहा है यह गलत है। राखड़ डप किये जाने से जनता आक्रोशित है। जल्द ही जिला कलेक्टर से मिलकर उनके समक्ष समस्या को बताएंगे।



श्रीमदराजगुप्ता कटगडौह वीडेसी

जिले में जितने भी उद्योग आये हैं किसी से भी ग्रामीण जनजीवन टोक नहीं हुआ है उल्टा खेती किसानों और स्वास्थ्य पर दुष्प्रभाव पड़ रहा है। टीआरएन उद्योग प्रबंधन द्वारा रोड किनारे खेत खुलिहान में अवैधानिक रूप से राखड़ को डप कर रहा है । यह मेरे खेत में भी वारिशा के पानी के साथ बह कर आ गया है। मनमानी की शिकायत की जाएगी।



हरिचरण राटिया कटगडौह सरपंच

स्वास्थ्य पर पड़ रहा है असर

पावर प्लांट से निकले राखड़ को व्यवस्थित तरीके से परिक्हन करते हुए राखड़ डेम में फेंकना हीता है। यह डेम का निर्माण हर पावर प्लांट को करना अनिवार्य है। वहीं कंपनी प्रबंधन द्वारा अवैधानिक रूप से लाकर कहीं भी फेंक जाने से आम जनजीवन अस्त-व्यस्त हो गई है वहीं इससे ग्रामीणों का स्वास्थ्य को भी खतरनाक तरीके से प्रभावित कर रहा है।

नए कलेक्टर के समक्ष रखेंगे अपना पक्ष

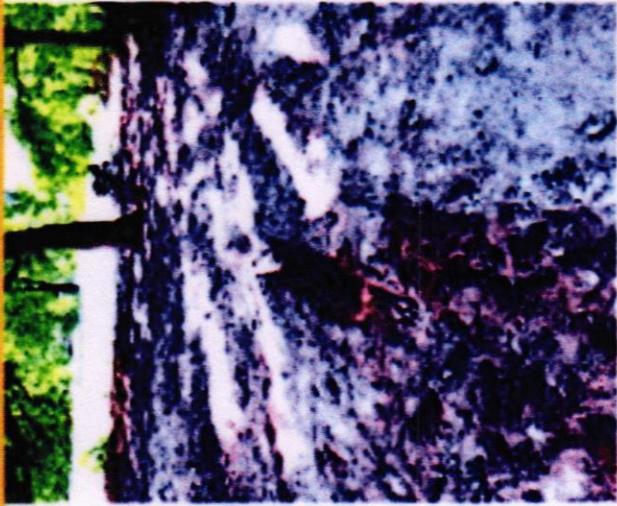
कटगडौह वैहामुड़ा समेत अन्य गांव के इंदगिद ग्रामीणों के खेत खुलिहान में फेंक जाने से ग्रामीण जन आक्रोशित है । वहीं लामबंद होकर मीर्चा खोलने की तैयारी में वे फर्मे की स्थानीय जनप्रतिनिधियों के पंचायत के बाद ग्रामीण जन ने शिकायत एसडीएम व नए जिला कलेक्टर से करने की तैयारी में जुट गई है।

टीआरएन कंपनी किसानों के खेतों में उड़ेल रही डस्ट

कट गड्डीह के किसान हरिचरण राठिया की खेत एवं तालाब प्रभावित

दरभंग विक्टर • छत्तीसगढ़

जिले के उद्योगों को जमीनदेन अब किसानों को भारी पड़ रहा है। एक तरफ तो उद्योगों ने उनकी जमीन और पौधे पल्ल में डडपल्ले। अब रोगा को किसानों की जमीन पर कंपनी का राउड उड़ेल कर जमीन को बजर बनाने का काम किया जा रहा है। TRN कंपनी की हठ-धर्मिका की कजह से जल जंगल और जमीन तबाह हो रहा है। अचोड़ा शेत के पजनों गांव के लोग डस्ट को लेकर काफी परेशान है। कंपनी की स्थापना के समय इस शेत के प्राप्तिनों ने अपनी जमीने पैकर कंपनी की स्थापना में अहम भूमिका निभाई है। मगर कंपनी की हठधर्मिका और मकमाने के कारण अब भी शेत के रीकड़ों प्राप्तिण परेशान है। प्राप्तिनों का आरोप है कि कंपनी प्रबंधन के द्वारा शेत में स्थित दो सी रोडई सी किसानों के खोब डेड सी रीकड़ खेती की जमीन पर कंपनी के द्वारा फलाई ऐरा डस्ट उड़ला जा रहा है। कंपनी के केमिकल युक्त धूर और राइक में बिजुरे डस्ट की वजह से शेत में सासा की बीमारी, टीवी, पमाजीसे



रोग परपरहै रीकड़ों प्राप्तिण परेशान है। कंपनी के द्वारा जंगल में और खेती के सास-नास राइक के किनारे डस्ट उला दिया जाने के कारण वाहन गुजरने पर लोगों का सासागी से गुजरना मुश्किल हो जाता है। शेत के किसान कंपनी प्रबंधन से काफी शिकायत करने रहते हैं तो प्रबंधन के

द्वारा उन्हें डस्ट फटकार कर भगा दिया जाता है। प्राप्तिनों का अब भी आरोप है कि कंपनी के द्वारा इस शेत के जल जंगल और जमीन का दोहन करने के बावजूद सेएसआर मद्द से शेत में कोई भी धक्का नहीं की गई है। न तो धूर युक्त राइक पर निबंधन पाने का छिडकपय किया जाता है और नही कंपनी का छिडकपय करार प्राप्तिनों को रहत छुवाई जा रही है कहां तक कि कंपनी में कोई सुरशा के इजाजत नहीं है। न ही कोई डॉक्टर जिसकी कजह से वाकल होने वाले लोगों को प्राथमिक चिकित्सा तक मुईया नहीं हो फी है। कंपनी प्रबंधन की इस मकमाने से शेतवासियों में खाला आकोरा है जो कभी भी लावा बनकर फुट सकता है।

प्रदूषण फैलाने के मुद्दे पर जिला प्रशासन गंभीर दिख रहा है। उल्लेखनीय है कि जिले में स्वास्थ्य उद्योगों किसानों और प्राप्तिनों के लिए सिर फर्न सक्षित हो गई है। रसूख और फैसे का साबा इसके सर नद कर बोगारहा है। जिले के जंगलों में खाली पड़े शासकीय धूमि और खेती बोध धूमि पर डस्ट उड़ेलने का काम जारी है।

Annexure-B (colly)





Latitude: 22.148445
Longitude: 83.260087
Elevation: 320.96 m
Accuracy: 3.2 m
Time: 10-31-2020 15:16
Note: Navapara. (Tenda) Raigarh C.G.

Powered by NoteCam



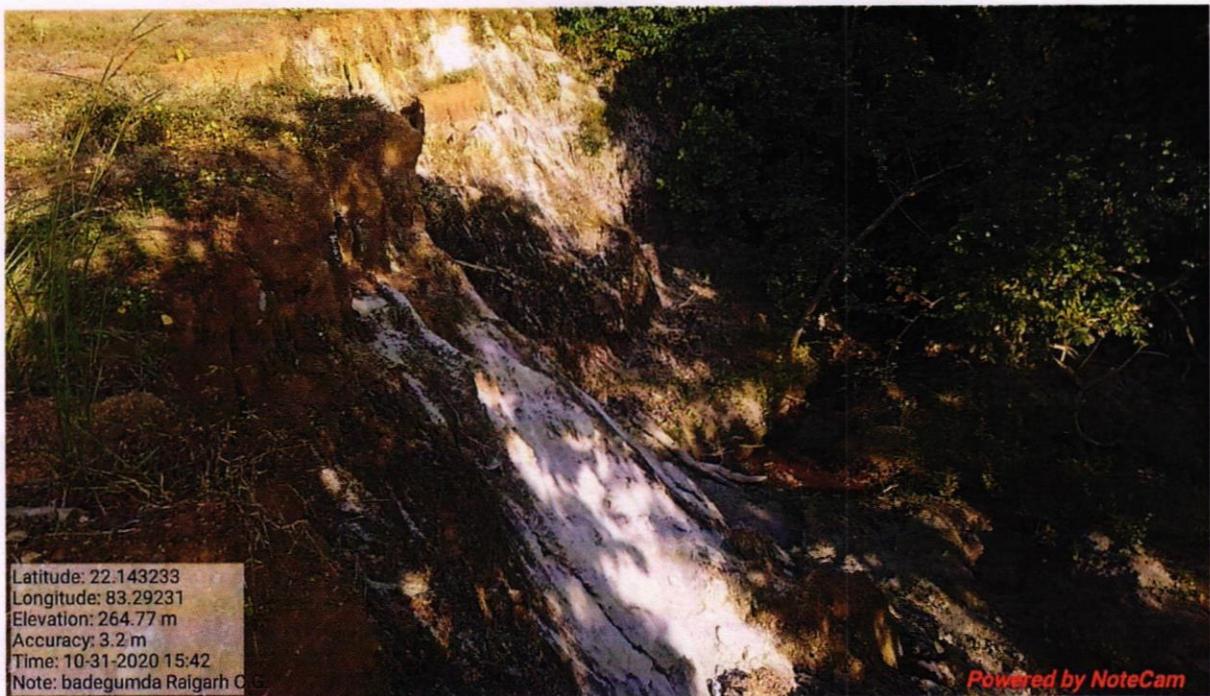
Latitude: 22.167802
Longitude: 83.33486
Elevation: 298.95 m
Accuracy: 3.2 m
Time: 10-31-2020 16:02
Note: gharghoda Raigarh C.G.

Powered by NoteCam



Latitude: 22.167776
Longitude: 83.334844
Elevation: 298.41 m
Accuracy: 3.2 m
Time: 10-31-2020 16:02
Note: gharghoda Raigarh C.G.

Powered by NoteCam







T.C.
h.a

Annexe - c (coly)





Annexure - D

HEALTH ASSESSMENT OF VILLAGERS OF TAMNAR
BLOCK, DISTRICT RAIGARH (C.G.)
Year 2019-2020

Dr. Suyesh Shrivastava

Principal Investigator & Scientist 'B'
&

Dr. Tapas Chakma

Co-Investigator & Scientist - 'G'
Head of NCD-Division



icmr
INDIAN COUNCIL OF
MEDICAL RESEARCH

NIRTH
NATIONAL INSTITUTE OF
RESEARCH IN TRIBAL HEALTH

**ICMR-National Institute of Research in Tribal Health
(Indian Council of Medical Research)
Jabalpur (Madhya Pradesh)**

7. Conclusions

- Fever and ARI were the major morbidities among villagers of Tamnar Block.
- Anaemia prevalence was about 64.8% among non-pregnant non-lactating women.
- Prevalence of hypertension was about 21.8%.
- Fungal Infection (4.0%) was a common problem among > 15 years of age of Tamnar Block.
- Sputum positive Tuberculosis was higher than the National average in Tamnar Block.
- The prevalence of skeletal fluorosis was about 1.1% among age > 15 years of age. Most of the cases were from Mudagaon and Saraitola at the time of the survey.
- The prevalence of severe malnutrition was 16.9% among <5 years children.
- Non-communicable diseases were the leading cause of death. Among NCDs, a majority of the deaths occurred due to cardiovascular diseases and the proportion of deaths due to CVD was higher among the older age group.
- Hypertension was the leading pre-existing disease and diabetes and stroke were the second and third leading pre-existing diseases.
- Among infectious diseases, tuberculosis was the leading cause of death.
- Alcohol liver diseases caused the majority of deaths in the category of digestive system diseases; proportion being higher among males as compared to females.
- Among external causes, the proportion of deaths due to suicide were higher among males as compared to females; proportion being higher among the younger age group (15-29 years).
- Road Traffic Accident (RTA) was found higher among the younger age group (15-29 years).

8. Recommendations

- Considering the high prevalence of anaemia. Anaemia Prophylaxis programme should be strengthened.
- Vacant post of specialist doctors and trained health workers should be filled as per IPHS guideline.
- Provision for safe drinking water especially in two villages Mudagaon and Saraitola (i.e. fluoride free, arsenic free or other geogenic contamination).
- Strengthening of laboratory facilities in CHC and PHC in Tamnar Block.
- Intervention programmes for Non-communicable disease specially for hypertension and other cardiovascular diseases should be undertaken in Tamnar.
- RNTCP program at the block level should be strengthened for early case detection, initiation of treatment and better compliance to reduce the mortality due to tuberculosis.
- Provision of “TrueNat test” for rapid diagnosis of tuberculosis at CHC Tamnar.
- Integrated Child Development Services (ICDS) program need to be strengthened and special nutrition supplementation program should be implemented to reduce the stunting and wasting of <5 year children.
- Multisectoral collaboration should be initiated to develop a suicide prevention strategy like decriminalizing suicide attempts and training more counsellors and psychologist to help those battling with depression and other mental problems.
- A collective effort has to be needed from all stakeholder including immediate family members, public health planners, policymakers and NGOs to prevent suicides.
- In-depth epidemiological studies required to study the various risk factors for hypertension and other cardiovascular diseases should be undertaken.

Annexure A-4

Item Nos. 03 & 04

Court No. 1

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

Original Application No. 104/2018
(M.A. No. 279/2018 & M.A. No. 858/2018)
With
Execution Application No. 05/2019
IN
O.A. No.104/2018

(With report dated 14.10.2020)

Shivpal Bhagat & Ors.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 27.02.2020

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

For Applicant(s): Mr. Saurabh Sharma, Advocate and
Ms. Rinchin, Petitioner in person

For Respondent(s): Mr. Rajkumar, Advocate for CPCB

ORDER

1. This order is being passed in continuation of order dated 22.07.2019. The issue for consideration is the remedial action against pollution caused by the thermal power plants, the coal washeries in Tamnar and Gharghoda blocks of Raigarh District in Chhattisgarh, including M/s Jindal Power Limited, M/s Jindal Power and Steel Limited, M/s TRN Energy Private Limited, M/s Mahavir Energy & Coal Benefaction Limited, M/s. Hindalco Industries Limited and M/s. Monet Energy Limited, SECL. The operation of the said units was allegedly resulting in contamination of air, water and land and having adverse impact on the

environment and the habitants. Water and soil have toxic metals having potential for health hazard requiring monitoring of emissions, making the polluter accountable and regulating the polluting activities.

2. Vide order dated 22.07.2019 after referring to the earlier proceedings and in the light of report dated 28.06.2019 furnished by the Committee comprising Scientist D, CPCB, Bhopal, Professor IIT (ISM), Dhanbad, Assistant Professor, IIFM, Bhopal and SE-CECB, Raipur, the Tribunal observed:

“4. Report dated 28.06.2019 has been furnished by the Committee comprising Scientist D, CPCB, Bhopal, Professor IIT (ISM), Dhanbad, Assistant Professor, IIFM, Bhopal and SE-CECB, Raipur. The observations of the Committee include certain deficiencies such as mines fire being observed, green belt being insufficient, no work having been started for diversion of Bendra nallah and construction of embankment of 5 km length between River Kelo and mining lease as per condition of EC to protect surface water body from pollution caused by mining operation.

5. The Committee suggested that the report with regard to damage assessment submitted in *Dukalu Ram v. Union of India & Ors. (Supra)*, may be considered.

6. We find that the report furnished does not exhaustively address the issues required to be gone into by order dated 23.08.2018 quoted above, particularly conducting carrying capacity of the area, remediation measures, improved quality of soil, adequacy of the pollution control devices, fly ash management and ambient air quality with regard to $PM_{2.5}$.

7. We are, thus, of the opinion that a further updated and exhaustive report is required to be furnished after considering these aspects, which have also been concluded in para 10 quoted above, by the following Committee:-

1. Representative of MoEF&CC, Regional Office Nagpur to the level of Scientist – E
2. Representative of NEERI, Nagpur
3. Scientist – E, Regional Office CPCB, Bhopal, who will be the nodal officer
4. Representative of State of PCB
5. Dr. Sarat Chander Lele, EAC Member Coal and Thermal, MoEF&CC, New Delhi.

8. *The Committee may visit the area within one month. The Committee may take into account the earlier reports on the subject and also consider the views of the inhabitants and furnish a report to this Tribunal preferably within two months by e-mail at judicial-ngt@gov.in.”*

3. Accordingly, a report dated 14.10.2019 has been filed by the CPCB on behalf of the Committee on 15.10.2019. The Committee visited various sites and considered the earlier reports, including maps and the data of air quality as well as water pollution. The Committee then considered the mitigation measures prescribed and their current status including installation of Electro-Static Precipitators (ESPs) and Fluidized Gas Desulfurizers (FGDs) in the Thermal Power Plants. The committee also considered ground water depletion, soil pollution, forest loss and livelihood loss and after detailed study of various aspects made following recommendations:

“4. RECOMMENDATIONS:

Based on the above observations, the committee recommends a set of short-term and long-term measures.

4.1 Short-term measures

- a. *Requiring all coal mines in Raigarh district to accept fly ash for disposal through OB dump and back-filling. (Action by respective Coal mine companies).*
- b. *Given the seriousness of improper fly ash dumping in low lying areas, and the practical difficulty in rigorously monitoring the implementation of the recent SOP in the field, no further disposal of fly ash in low-lying areas by TPP/CPP companies to be permitted and all Gram Panchayats in Raigarh district to be directed to stop issuing NOCs for the same.*
- c. *Requiring that whatever coal is being supplied to JPL and JSPL from Gare Palma IV/2&3 should be transported through the already existing **closed***

conveyor belts and no such coal transport should be allowed via trucks. (Action by SECL).

- d. Establishment of monitoring cell by PHED to monitor water quality being used by the residents of villages and provide pretreatment facility and removal of geogenic contaminants and anthropogenic contaminants before its use as drinking water. Specifically, the quality of water treatment in the mine-supported water supply system in village Kondkhel needs to be ensured by PHED as per drinking water norms.
- e. Installation of adequate number of CCTV and CAAQM stations in coal mining area. Proper records under CCTV coverage shall be maintained by coal mines to ensure movement of covered trucks loaded with coals and regular and comprehensive operation of sprinklers in coal zone, stockyard and all mine roads. CAAQMS shall be connected to CECB/CPCB server, and also displayed on the mine gates for public information. (Action by respective coal mine companies).
- f. Proper repairing and maintenance of roads both inside and outside the mine area to ensure smooth movement of trucks and other load carrying vehicles. (Action by Public Works Department and respective mining companies). Indian Railways to be directed to submit a time-bound action plan for commissioning of the railway line in Tamnar and Gharghoda blocks to ensure all coal transportation by rail.
- g. Proper and free health care facilities with multispecialty treatment system may be provided in all coal mine-adjacent villages as per the recommendations of the committee report of 14.6.2019 in the Dukalu Ram (OA 314/2014 CZ) case. (Action by respective coal mine companies).
- h. Strict vigilance by MOEFCC for green belt development compliance as per EC conditions.
- i. We also recommend that **no further conversion of UG mines to Open Cast mines** be permitted in Tamnar and Gharghoda, keeping in mind the environmental costs in terms forest loss, major noncompliance in pollution control and social cost (rehabilitation).

4.2 Long-term measures

- a) **Based on evidence summarised above, the committee is of the opinion that the Tamnar-Gharghoda block region is close to exceeding**

its environmental carrying capacity. However, the precise extent of current environmental load and the likely impacts of future mining and industrial activities has to be worked out through a detailed and comprehensive **environmental load carrying capacity study, to be carried out by a reputed environmental research institute or a consortium of such institutes over a 24-month period.**

i) The study must cover dimensions of air pollution (especially PM2.5), water pollution and ground and surface water depletion, soil contamination, forest and biodiversity loss, and social and health impacts.

ii) Moreover, given the geography of the region, the study must assess the carrying capacity separately for two different subregions: the northern Tamnar (coal mining related) block and Gharghoda block. Moreover, since Chhal open cast mine located in southern Dharamjaigarh block is located on the bank of Mand River and therefore in an eco-sensitive zone, a baseline study of this region may also be carried out. The southern Tamnar subregion has already been studied for environmental load carrying capacity by IIT Kharagpur (report submitted to CECB in 2018) and it has already recommended strict regulation of any further industrial development in particular parts of the sub-region through a high-level committee.

iii) Mode of commissioning of this study may please be decided by the Hon'ble NGT, and necessary directions may please be issued accordingly.

b) To reduce the pollution and other impacts caused by road transport of coal and other minerals, directions may be issued that coal transport by road from coal mines or to thermal power plants in these two blocks will be permitted only for 1 year, after which transport must be done by rail or closed conveyor belt only.

c) Condition of greenbelt development may be incorporated at TOR stage of EC application to ensure that greenbelt work shall be in place at the time of final presentation for obtaining EC, which shall be verified by MOEFCC. Further, while granting TOR, EAC should specify the location of the greenbelt to provide buffer between coal mine and human settlements, and specify a sufficient width of the greenbelt for the same.

*d) Ministry of Coal be directed to include the necessary provisions **to ensure the acceptance of fly ash** in coal mines for disposal through OB dump and back-filling as per fly ash notification of 2009.”*

4. We find that the recommendations are based on relevant studies and need to be implemented by the concerned power plants and mines in the area for protection of environment and the public health and the environmental rule of law.
5. The applicants have, while broadly expressing satisfaction with the report, made certain suggestions. First suggestion of the applicants is that carrying capacity assessment must be expeditiously carried out and till such assessment is done, expansion and new projects should be only after thorough evaluation. Further suggestion is that there should be a mechanism to oversee the remedial measures, including oversight of health mitigation measures suggested by the Committee.
6. We are of the view that since serious deficiencies have been found and there is potential for damage to the environment as observed in the report, the 'Precautionary' and 'Sustainable Development' principles require that any further expansion or new projects in the area should be allowed after thorough evaluation only and mechanism for remedial measures should be in place, including oversight of measures for health mitigation. The Committee already constituted in terms of order of this Tribunal dated 22.07.2019 will act as an Oversight Committee. The nodal agency for the purpose will be the CPCB. Meeting of the Committee may be held atleast once in two months or at such interval as may be decided by the Committee. Mitigation measures for health issues may be overseen

by the Principal Secretary, Health, Govt. of Chhattisgarh. For this purpose, the existing arrangements in the local areas may be reviewed and further strengthened to meet the requirements. The Principal Secretary, Health, Govt. of Chhattisgarh will be at liberty to issue appropriate directions to the concerned project proponents also for their initiatives out of CSR funds. The Committee may give a status report on the issue as on 30.06.2020 by 15.07.2020 by e-mail at judicial-ngt@gov.in. The Oversight Committee may issue appropriate directions to the project proponents for other remedial measures.

7. The above report may be looked into and acted upon by the Ministry of Coal as well as MoEF&CC for such further action as may be necessary.

A copy of this order be sent to the CPCB, Principal Secretary, Health, Govt. of Chhattisgarh, Ministry of Coal as well as the MoEF&CC by e-mail.

List for further consideration on 28.07.2020.

Adarsh Kumar Goel, CP

Dr. Nagin Nanda, EM

Siddhanta Das, EM

February 27, 2020
Original Application No. 104/2018 & M.A. No. 858/2018)
With Execution Application No. 05/2019 IN
O.A. No.104/2018
DV

HEALTH ASSESSMENT OF VILLAGERS OF TAMNAR 1049
BLOCK, DISTRICT RAIGARH (C.G.)
Year 2019-2020 **Annexure A-5**

Dr. Suyesh Shrivastava

Principal Investigator & Scientist 'B'
&

Dr. Tapas Chakma

Co-Investigator & Scientist –'G'
Head of NCD-Division



**ICMR-National Institute of Research in Tribal Health
(Indian Council of Medical Research)
Jabalpur (Madhya Pradesh)**

1. Introduction

The tribal population of the country, as per the 2011 census, is 10.43 Crore, constituting 8.6% of the total population. 89.9% of them live in rural areas and 10.03% in urban areas. The decadal population growth of the tribal's from Census 2001 to 2011 has been 23.66% against 17.7% of the entire population.¹

There are forty-two (42) tribes in C.G. Gond is the most populous tribe, constituting 55.3% of the total ST population followed by the Kwar, Oraon, Halba, and Bhattra. These five Scheduled tribes constitute 84.3% of the total ST population of the State. At the district level, Gonds have registered their high population in Bastar, Dantewada, Kanker, Surguja and Raipur districts. Kwar are mainly concentrated in Surguja, Raigarh and Korba districts.²

Raigarh district is situated in the easternmost part of Chhattisgarh state. It is bounded by Surguja and Jashpur districts in the north, Orissa in the east, Mahasamund district in the south and Korba and Janjgir-Champa districts in the west. The total geographical area of the district is 7,086 sq. kms. Raigarh district is full of major minerals like Coal, Quartzite, Limestone and Dolomite. As per Census 2011, there were nine Tahsils and equal numbers of Community Development Blocks (CD Blocks) in Raigarh district. The total number of villages in the district is 1466 which includes 1426 inhabited villages and 40 uninhabited villages. The total population of Raigarh district is 14,93,984 with 7,50,278 males and 7,43,706 females. Rural population is 12,47,682 and Urban population is 2,46,302. The literacy rate of the district of Raigarh in the Census 2011 is 73.26% (male 83.49% and female 63.02%). The proportion of Scheduled Tribes (ST) population in the district is 33.84% in Census 2011.³ Tamnar is a Block (CD) in the Raigarh district of Chhattisgarh. The total area of Tamnar is 729 km². The latitude 22.0882047 and longitude 83.4387589 are the geo-coordinate of the Tamnar. According to Census 2011 information, Tamnar has a population of 97,975 peoples (49,342 males and 48,633 females). There are 23,963 houses spread over in 116 villages.⁴ Nearby mining activities put the tribal population of Raigarh at increased risk of diseases such as acute respiratory infection (ARI), tuberculosis, road traffic accident (RTA), etc. Apart from environmental health hazards, undernutrition increases the risk further for various diseases.

Kelo river in Tamnar is polluted due to waste disposal from mining activities.⁵