

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

M. A. NO. 765 OF 2014 & M. A. NO. 770 OF 2014

IN

Original Application No. 73 of 2014

**All Dimasa Students Union Dima Hasao Dist. Committee
Vs.
State of Meghalaya & Ors.**

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. DR. D.K. AGRAWAL, EXPERT MEMBER

Present: Applicant: Mr. Parthiv K. Goswami, Adv. and Mr. Yashvardhan Singh, Adv.
Respondent No. 1: Mr. Ranjan Mukherjee and Ms. Aprajita Mukherjee, Adv.
Respondent No. 10: Mr. H.S. Thangkhiew, Sr. Adv. and Mr. Philemon Nongbri, Adv.
Mr. B.V. Niren, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 1 November 12, 2014 SN	<p style="text-align: center;"><u>M.A. No. 765 of 2014 and M.A. No. 770 of 2014</u></p> <p>The Learned Counsel appearing for the Applicants submit that they are finding serious difficulties in transporting the already extracted coal in terms of the Orders of the Tribunal as the State has not provided the requisite infrastructure and facilities regulating the transportation of the same.</p> <p>The Learned Counsel appearing for the State of Meghalaya submits that the primary difficulty has arisen as a result of some ambiguity and a contradictory interpretation being given to Clause 7 of our Order dated 7th October, 2014 by the contending parties. According to him he would ensure and direct the requisite authorities to provide the infrastructure and facilities necessary for regulating convenient transportation of the extracted coal in terms of the Orders of the Tribunal without any further delay.</p>

Having heard the Learned Counsel appearing for the parties, we direct as follows which shall also be treated as the clarification of our previous Orders including Order dated 7th October, 2014:

1. The period of 45 days specified in para 7 is conclusive and unalterable except as under.
2. We also clarify that the period of 45 days will be treated as mandatory for clearing royalty on the entire extracted coal.
3. The mine owner will be permitted to transport the extracted coal only to the extent for which he has cleared the royalty payable to the State. In other words if the person has extracted 100 metric tones of coal and has only paid the first installment in terms of our Order dated 7th October, 2014 then he would be permitted to transport the coal only to the extent of that payment of royalty and no more. If he pays the second installment then he would be permitted to further transport the coal of that value and if he pays the third installment then he would be permitted to transport the entire coal extracted. We make it clear that the royalty whether entire coal is transported or not has to be cleared within 45 days in terms of our Order.
4. We make it clear that the functions required of the Committee in terms of our previous Order would remain unaltered.
5. The State Government shall immediately provide all infrastructure facilities i.e. weighing machines, weigh bridges and toll collection samples at the

respective districts to make it convenient for the person to transport the permitted coal in terms of our previous Order.

6. The period of 45 days shall start upon the payment of first installment which in any case should be made by all concerned mine owners within 15 days from today.

Thus, all these two M.A.'s i.e. M.A. No. 765 of 2014 and M.A. No. 770 of 2014 are accordingly disposed of with the above Order.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D.K. Agrawal)

