

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 110(THC) of 2012

And

Original Application No. 73 OF 2014

(M. A. NO. 174 of 2014, M. A. NO. 662 of 2014, M. A. NO. 65 of 2015, M. A. NO. 92 of 2015, M. A. NO. 95 of 2015, M. A. NO. 96 of 2015, M. A. NO. 112 of 2015, M. A. NO. 116 of 2015, M. A. NO. 153 of 2015, M. A. NO. 184 of 2015, M. A. NO. 185 of 2015, M. A. NO. 245 of 2015, M. A. NO. 336 of 2015 TO M. A. NO. 338 of 2015, M. A. NO. 405 of 2015, M. A. NO. 442 of 2015, M. A. NO. 476 of 2015, M. A. NO. 461 of 2015, M. A. NO. 463 of 2015, M. A. NO. 526 of 2015, M. A. NO. 667 of 2015, M. A. NO. 668 of 2015, M. A. NO. 671 of 2015, M. A. NO. 672 of 2015, M. A. NO. 710 of 2015, M. A. NO. 712 of 2015 & M. A. NO. 771 of 2015)

AND

Original Application No. 13 of 2014

(M. A. NO. 154 OF 2015 AND M. A. NO. 340 OF 2015)

AND

Original Application No.186 of 2014

IN THE MATTER OF :

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

State of Meghalaya & Ors.

And

All Dimasa Students Union Dima Hasao Dist. Committee

Vs.

State of Meghalaya & Ors.

And

Impulse NGO Network Vs. State of Meghalaya & Ors.

And

Thomas Nongtdu & Anr. Vs. State of Meghalaya & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

Present:

Applicant:	Mr. Raj Panjwani, Sr. Adv. and Mr. Aagney Sail, Adv.
Respondent No. 1	Mr. Ranjan Mukherjeea and Ms. Aprajita Mukherjee, Advocates
Respondent No. 2	Mr. B.V. Niren, Adv.
Respondent No. 4:	Mr. Saurabh Sharma, Adv.
Respondent No. 5	Ms. Panchajanya Batra Singh, Adv.
Respondent No. 7	Mr. Tayenjam Momo Singh, Adv.

Original Application No. 73 of 2014

Present:

Applicant :	Mr. Yash Vadhan Singh, Mr. Parthiv K. Gorwan and Mr. Pratim Pathak, Advs.
Respondent No. 1:	Mr. Ranjan Mukherjeea and Ms. Aprajita Mukherjee, Advocates
Respondent No. 2:	Mr. Tayenjam Momo Singh, Adv.
Respondent No. 5:	Ms. Panchajanya Batra Singh, Adv. MoEF & CC
Respondent No. 10 :	Mr. H.S. Thangkhiew, Sr. Adv. along with Mr. Philemon Nongbri, Adv.
Respondent No. 11:	Mr. ODV Cadia, Sr. Adv. along with Mr. Davadath Kamat and P. Yohin, and Mr. Javedur Rehman, Advs. Mr. Vijay Panjwani, Adv. for Mr. Ardhendumauli Kumar Prasad, Adv.

Original Application No. 13 of 2014

Present: Amicus Curie:

Mr. Shaurya Sahay, Adv.
Mr. A.H. Kharwanlang, Adv.
Mr. Raj Panjwani, Sr. Adv. and Mr. Aagney Sail,
Adv.
Mr. Tanjenjan Singh, Advocate
Ms. Panchajanya Batra Singh, Adv. MoEF & CC
Mr. Ranjan Mukherjeea and Ms. Aprajita
Mukherjee, Advocates

Respondent No. 1:
Respondent No. 5:

	Date and Remarks	Orders of the Tribunal
	Item Nos. 10, 12 to 14 July 31, 2015	<p><u>M.A. No. 771 of 2015</u></p> <p>This is an Application filed on behalf of the Deputy Commissioner to the Jayantia District placing on record the action taken report.</p> <p>The Application is allowed subject to just exception. The action taken report is taken on record.</p> <p>Liberty is granted to the Applicant and others to file the objections to the report, if any, within two weeks from today.</p> <p>With the above orders, M.A. No. 771 of 2015 stands disposed of.</p> <p><u>M.A. No. 712 of 2015</u></p> <p>We have heard the Learned counsel appearing for the parties.</p> <p>We dispose of this Application on the following directions:-</p> <ol style="list-style-type: none">1. First prayer made in the Application is not pressed by the Learned counsel appearing for the Applicant – State of Meghalaya. The same is therefore declined.2. As far as the prayer in relation to the setting of additional 12 weigh bridges are concerned, it is State's decision. We do not see any reason to

interfere in the decision of the State. However, it will be proper for the State to install weigh bridges at appropriate places and in consultation with the stake holders and the Committee, while ensuring proper monitoring of the weigh bridges as per the directions already issued by the Tribunal.

3. The last prayer in this application is for permitting carriages of coal in trucks of 25 GVW with 3 axle, to carry 19 MT. This is also permitted consent of the Committee constituted under the judgment. Proper measures will be taken that no air pollution is caused by emissions from these trucks. The State shall prepare due data for the same and submit to the Tribunal on every quarter.

With these directions, M.A. No. 712 of 2015 stands disposed of without any order as to costs.

M.A. No. 710 of 2015, M.A. No. 405 of 2015, M.A. No. 442 of 2015, M.A. No. 460 of 2015 & M.A. No. 461 of 2015

All these Applications have been filed by different Applicants including State for extension of time for payment of royalty and consequent transportation of already extracted coal. We are of the considered view that no purpose will be served in declining these Applications and therefore we pass the following directions:-

1. The time for payment of royalty is extended upto 30th September, 2015 and transportation upto 30th November, 2015 through process of RTGS, subject to the conditions and their strict compliance stated

herein under.

2. The time is being extended as the last and final opportunity to the State Government.
3. The State Government itself concedes that illegal mining is still going on and they have caught nearly 327 cases of illegal mining in one District of Jayantia Hills. We direct the status reports in relation to all the districts be filed within four weeks from today.
4. The State will take all steps within its power to ensure that no illegal mining should be permitted under any circumstances.
5. The State Government should submit the mining plan and policy as directed in the orders dated 09th June, 2014 and 01st August, 2014 passed by the Tribunal. The State of Meghalaya is expected to prepare a plan in consultation with the concerned Ministry and approve and notify it.
6. We direct the Chief Secretary of State of Meghalaya to personally comply with these directions without any further delay and demur.
7. It may be noticed that it is for the non-compliance by the State itself on the above directions, that the mining cannot be permitted by the Tribunal. Regulated, scientific and mining in accordance with the provisions of the relevant laws, is an absolute necessity. Illegal, unauthorized, unscientific unregulated mining cannot be permitted, as it not only causes serious surface water and ground water pollution but also result in great danger to human

life and health, as in the very case the Tribunal is handling. We make it clear that if now State of Meghalaya does not comply with directions, the Tribunal would be compelled to pass further coercive orders.

8. The Local Commissioners have also pointed out that illegal and unauthorized mining is going in different parts of the State of Meghalaya. The State of Meghalaya to file the list of the cases where they have caught persons carrying on the illegal and unauthorized mining with complete particulars of the persons. The name of owners carrying on mining should also be provided to the Tribunal along with status reports.

With the above directions, M.A. No. 710 of 2015, M.A. No. 405 of 2015, M.A. No. 442 of 2015, M.A. No. 460 of 2015 & M.A. No. 461 of 2015 are disposed of without any order as to costs.

M.A. No. 463 of 2015

Learned counsel appearing for the State of Meghalaya submits that the State is examining the matter and it will ensure that no person is required to pay any amount to Garo Autonomous District unless the demand is backed by a law in force.

In view of this undertaking this Application does not survive for consideration.

Accordingly, M.A. No. 463 of 2015 stands disposed of .

M.A. No. 526 of 2015, M.A. No. 338 of 2015 and M.A.

No. 340 of 2015

We have heard the Learned counsel appearing for the parties.

We dispose of all these Applications without prejudice to the rights and contentions of the parties to contend at the time of final disposal of the matter that coal miners or transporters are liable to pay environmental compensation in terms of the Section 15 of the National Green Tribunal Act, 2010 for the period even prior to the order dated 25th March, 2015.

We further direct that all the coal miners/transporters would be liable to pay 10% environmental compensation for the coal being transported, irrespective of the fact that they had paid the royalty for the same prior to the date of the order. However where the coal has already been transported prior to the date of the order, that is 25th March, 2015, for the present the liability to pay 10% to comply with the directions as environmental compensation would not be enforced by the State, subject to final orders.

With these directions, M.A. No. 526 of 2015, M.A. No. 338 of 2015 and M.A. No. 340 of 2015 stand disposed of without any order as to costs.

The status reports filed by the State copies be provided to all the Learned counsel appearing in the case.

M.A. No. 671 of 2015 & M.A. No. 667 of 2015

These Applications are allowed subject to just exception. The Applicants are permitted to intervene only and address the Tribunal

With these directions, M.A. No. 671 of 2015 and M.A. No. 667 of 2015 stand disposed of without any order as to costs.

List all the main matters for consideration issuance of further directions and for recording of evidence on 29th September, 2015 and 30th September, 2015.

We direct that Mr. Mukhtiar Ali, the Witness be permitted to be summoned through the concerned SHO.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

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

.....,EM
(Prof. A.R. Yousuf)

