

**BEFORE THE NATIONAL GREEN TRIBUNAL
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.164/2024 (WZ)
[Earlier Original Application No.828/2024 (PB)]**

**NEWS ITEM TITLED “THREE DIE OF ASPHYXIATION AT
ILLEGAL COAL MINE IN GUJARAT”, APPEARING IN THE
HINDU DATED 15.07.2024**

Date of hearing: 04.12.2024

**CORAM: HON’BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER
HON’BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Respondents : Mr. Shubham Rathod, Advocate and
Mr. Rahul Garg, Advocate for R-1/CPCB
Mr. Aravindakshan V. Nair, Advocate for R-2/GPCB
Ms. Khyati Chaugh, Advocate h/f
Mr. Parth H. Bhatt, Advocate for R-3/MoEF&CC

ORDER

1. We are passing this order in continuation to the earlier order dated 09.11.2024.

2. From the side of respondent No.2- GPCB, reply affidavit dated 18.11.2024 has been filed stating therein that pursuant to the news item published on 15.07.2024 in the newspaper ‘The Hindu’, vide order dated 16.07.2024, the Head Office Gandhinagar had forwarded the email to the Regional Office at Surendranagar on 15.07.2024 with a direction to inquire into the alleged unfortunate incident, which had occurred on 13.07.2024 at around 17:00 Hours. Upon having inspected the site, it was found that Well of Coal Mine (Lat. 22.7389 N, Long. 71.1330 E) was located at Bhet Village, Taluka Muli, District Surendranagar and the site in question belonged to the State Government and the extraction of

Carbocel from the concerned well of Coal mine was being carried out unauthorisedly and without seeking any statutory permission from the competent authorities, by the local peoples, against whom First Information Report (FIR) dated 14/07/2024 was registered for the offences punishable under Section 105 and 54 of the Bharatiya Nyaya Sanhita (BNS), 2023, and the said unfortunate incident was causing death of three persons, who had entered the well of Carbocel mine, without any safety measures, was prima-facie due to Gas leak in the Well of Coal Mine, which was originally sealed by the administration.

4. It is further mentioned in this affidavit by the respondent No.2-GPCB that it came to light that the mining activity was going on prior to the unfortunate incident. It was also observed that Carbocel was found around 4 other wells out of the 7 wells inspected in the nearby area, but no activity was going on during the inspection, and everyone pleaded ignorance about the responsible persons, who were engaged in the said illegal activity of mining.

5. It is further mentioned in this affidavit by the respondent No.2-GPCB that in order to carry out the corrective and preventive measures to avoid such unfortunate incident, the Collector and District Magistrate, Surendranagar had issued Public notices and also directed for special awareness drives for villages like Muli, Sayla and Thangadh from 18.07.2023 to 23.07.2024, for spreading awareness among the local people to control/arrest the menace of such illegal activity of mining, which was to be carried out by the Mamlatdar, Taluka. Development Officer, Police Inspector, Range Forest Officer, Mines supervisor, Assistant Engineer GPCB Surendranagar, Assistant Engineer Labour Inspector, Sarpanch and Talati-cum-Mantri of respective villages. The Inspection Report is also annexed with the FIR, which was lodged.

3. From the side of respondent No.1- CPCB, reply affidavit dated 17.09.2024 has been filed before this Tribunal on 05.11.2024 wherein it is mentioned that since this matter is pertaining to illegal mining, no information is available on record.

4. In view of the reply affidavit filed by the respondent No.2- GPCB to the effect that the persons, who died in the above-mentioned occurrence, were involved in the mining activity unauthorisedly, regarding which an FIR has also been lodged and the District Collector has also issued directions to their sub-ordinates to ensure that illegal mining is stopped and for special awareness drives for villages like Muli, Sayla and Thangadh for spreading awareness among the local people to control/arrest the same, we find that sufficient steps have already been taken in this matter and nothing remains to be decided in this matter.

5. In view of above, we dispose of this application accordingly.

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

December 04, 2024
Original Application No.164/2024 (WZ)
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