

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

**ORIGINAL APPLICATION NO. 73 OF 2014**

**IN**

(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. 337 of 2015, M. A. NO. 668 of 2015, M. A. NO. 672 of 2015, M. A. NO. 1139 of 2015, M. A. NO. 1205 of 2015, M. A. NO. 1206 of 2015, M. A. NO. 1207 of 2015 & M.A. NO. 1351 OF 2015)

**And**

**Original Application No. 13 of 2014  
(M. A. NO. 154 OF 2015)**

**AND**

**Original Application No.186 of 2014**

**IN THE MATTER OF :**

**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 U.D.SALVI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER  
HON'BLE Mr. RANJAN CHATTERJEE, EXPERT MEMBER**

**Original Application No. 73 of 2014**

**Present:** Amicus Curie: Mr. Rahul Choudhary, Adv.  
Respondent No. 1: Mr. Ranjan Mukherjee, Ms. Aprajita Mukherjee and Mr. Upendra Mishra, Advs.  
Respondent No. 2: Mr. Tayenjam Momo Singh, Adv.  
Respondent No. 5: Ms. Panchajanya Batra Singh, Adv. MoEF & CC  
Respondent No. 8 : Mr. Ardhendumauli Kumar Prasad, Adv. Ms. Priyanka Swami and Mr. Pancshul Chandra, Advs. for Ministry of Coal  
Respondent No. 10 : Mr. H.S. Thangkhiew, Sr. Adv. with Mr. A. Rohen Singh and Mr. Philemon Nongbri, Advs. Mr. Bhupendra Kumar and Ms. Niti Choudhary, LA  
Mr. Daleep Kumar Dhyani and Mr. Rajul Shrivastav, Advs. – Local Commissioner  
Mr. Saurav Sharma, Adv.  
Mr. Rajiv Dutta, Sr. Adv. and Mr. Saurabh Sharma, Adv.  
Mr. S.L. Gundli, SLO and Mr. Bhupendra Kumar, LA

**Original Application No. 13 of 2014**

**Present:** Amicus Curie: Mr. Rahul Choudhary, Adv.  
Respondent No. 1: Mr. Ranjan Mukherjee, Ms. Aprajita Mukherjee and Mr. Upendra Mishra, Advs.  
Respondent No. 2: Mr. Tayenjam Momo Singh, Adv.  
Respondent No. 3: Mr. Subhro Sanyal, Adv.  
Respondent No. 5: Ms. Panchajanya Batra Singh, Adv. MoEF & CC

**Original Application No.186 of 2014**

**Present:** Applicant : Mr. Vijay Panjwani, Adv.

**Respondent No. 1:** Mr. Ranjan Mukherjee, Ms. Aprajita Mukherjee and Mr. Upendra Mishra, Advs.  
**Respondent No. 3:** Mr. Tayenjam Momo Singh, Adv.  
**Respondent No. 14 :** Mr. Ardhendumauli Kumar Prasad, Adv., Ms. Priyanka Swami and Mr. Panshul Chandra, Advs.

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<p><b>Item Nos. 1 to 3</b></p> <p><b>December 23, 2015 A</b></p>	<p><b><u>M. A. NO. 1206 of 2015, M. A. NO. 1207 of 2015 &amp; M.A. NO. 1351 OF 2015 IN ORIGINAL APPLICATION NO. 73 OF 2014</u></b></p> <p>Different reliefs have been prayed by the respective parties in the above Applications.</p> <p>We have heard the Learned counsel appearing for the parties at some length.</p> <p>As an interim order, we pass the following directions to protect the interest of stake holders as well as to ensure that there is no ecological and environmental degradation because of the illegal mining and transportation.</p> <p>Learned Local Commissioners appointed by the Tribunal have submitted their respective reports indicating that there is a illegal mining going on and they have also pointed out the various other deficiencies.</p> <p>Learned counsel appearing for the State of Meghalaya submits that they are taking all possible measures to ensure that there is no illegal mining and there is proper check upon the transportation of the coal.</p> <p>As already stated that this Tribunal is primarily concerned with the environment and ecology and protection of pollution of the river waters in various parts of the State of Meghalaya which is resulting from illegal, unscientific, unregulated mining activity being carried on as well as on transportation of the coal.</p> <p>Thus, it is absolutely necessary for the Tribunal to</p>

pass certain directions till the matter is finally disposed of.

All the interims orders passed by the Tribunal shall continue to be in force except to the extent which are specifically varied or modified by this Order.

After the date fixed now there shall be no mining which infact already stands banned as well as there shall be no transportation of the coal whether lying extracted or otherwise.

We are informed that the State of Meghalaya had filed the draft mining guidelines/ mining Policy to the Ministry of Coal. They have also filed the necessary documents with MoEF seeking regulatory Regime for carrying on regulated and scientific mining in accordance with law.

According to the Learned counsel appearing for the Ministry of Coal the said draft guidelines were found to be deficient and not proper vide letter dated 07<sup>th</sup> December, 2015 written to the State of Meghalaya for its re-submission.

Learned counsel appearing for the State of Meghalaya submits that the matter would be expedited they would re-submit the said documents within four weeks from today.

Learned counsel appearing for the MoEF is not informed of the stage of the matter being pending before the Ministry. Thus we direct that the State of Meghalaya within four weeks would re-submit the mining guidelines/ Mining Policy to the Ministry of Coal as well as comply with the remaining directions of the judgment and

submission of the proper documents to the MoEF. The respective Ministry would thereafter expeditiously deal with the matter and final mining plan/ mining guidelines/ other necessary Notification would be issued by the State of Meghalaya without further delay. After such declaration and notifications the State of Meghalaya would be at liberty to move the Tribunal for lifting of ban on mining.

For reasons explained at the Bar by the Learned counsel appearing for the State of Meghalaya, particularly the fact that if the coal is not removed, it will cause further environmental degradation particularly in relation to the water pollution besides causing serious loss of revenue to the State of Government. It is also pointed out that the Coal which has already been extracted if not transported prior to the rainy season there is a every likelihood that this will contaminate the rivers and cause serious health hazards. We find some merit in the reasons adduced by the Learned counsel appearing for the State and by way of last opportunity, we permit the royalty payment by the miners by 15<sup>th</sup> February, 2016 and the transportation of the coal thus paid for till 15<sup>th</sup> May, 2016.

It is stated that nearly 46,70,670 metric tons coal already extracted is lying at different places. This has been actually measured by the State of Meghalaya and then the amount/ quantification of coal extracted and lying has been arrived at and provided to us. If this coal or any part thereof is not transported by 15<sup>th</sup> May, 2016 the same shall not be permitted to be transported under any circumstances and it would vest in the State of

Meghalaya and the State would auction this coal after seeking further directions from the Tribunal.

The State of Meghalaya is at liberty to recover the royalty on the basis of the declared coal by the miners. We may notice that there is a huge gap of more than 36,45,590 metric tons between the declared and the assessed coal. The State of Meghalaya is at liberty to recover the royalty as well as the environmental compensation in terms of the order of the Tribunal and keep the same in separate accounts the environment compensation for being spent for restoration of the environment, prevention and control of river pollution in that area.

We further make it clear that the amount which has been recovered by the State of Meghalaya as royalty to the extent of Rs. 272,86, 77,838 is permitted to be taken to its own account and the State may utilize the same as per its own decision and policy. However, the State Government would not be entitled to spend any amount which is collected on account of environmental compensation without specific orders of the Tribunal.

As it is evident that there are instances of the illegal mining, we direct the State to take action in accordance with law as well as furnish complete and comprehensive list of the quantum and extent of the illegal mining and the details of the persons who are responsible for such illegal mining or transportation of coal. The royalty amount would be continued to be paid through RTGS as before.

The Committee appointed under the orders of the

Tribunal shall also submit a plan for restoration of environment, prevention and control and restoration of quality of river water in the State of Meghalaya subject matter of the present Applications. The plan shall submitted before the next date of hearing to the Tribunal.

We make it clear that the fee of Local Commissioners fixed by the Tribunal is in addition to the expenditure that they have incurred on travelling or on either account. The State of Meghalaya would made the payment to the Local Commissioners within two weeks from today.

The Commissioners are at liberty to execute the Commission by surprise inspection however they would inform the Learned counsel appearing for the State of Meghalaya of their visit. The State would also provide all assistance to the Local Commissioner in execution of the commission.

The weigh bridge of Garam Pani is stated to be non-functional. The State would also ensure not only this weigh bridge but also all the weigh bridges are properly kept functional and the records are duly maintained in a computerized form.

With the above directions all the above Misc. Applications stand disposed of without any order as to costs.

**M. A. NO. 184 of 2015 AND M. A. NO. 336 of 2015 IN ORIGINAL APPLICATION NO. 73 OF 2014**

Both these Applications praying for impleadment of the Applicants. Subject to just exception and without

prejudice and contentions of the parties these Applications are allowed. The Applicants are permitted to intervene and address the Tribunal at the time of final disposal of the main matter.

Accordingly, M.A. Nos. 184/2015 and 336/2015 stand disposed of without any order as to costs.

**M. A. NO. 153 of 2015 IN ORIGINAL APPLICATION NO. 73 OF 2014**

This Application is filed for early hearing of the Original Application No. 73 of 2014 the same has already fixed for final hearing on 04<sup>th</sup> February, 2016.

Therefore, this application rendered infructuous and accordingly, M.A. No. 153 of 2015 stands disposed of without any order as to costs.

**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. 185 of 2015, M. A. NO. 245 of 2015, M. A. NO. 337 of 2015, M. A. NO. 668 of 2015, M. A. NO. 672 of 2015, M. A. NO. 1139 of 2015, M. A. NO. 1205 of 2015.**

All these applications are covered by our orders passed earlier and order of today. However, we would leave it for the parties to address their submissions at the time of final disposal of Original Application No. 73 of 2014. The directions issued in the above orders are squarely covered in these Applications.

Accordingly, all the above Misc. Applications stand disposed of without any order as to costs.

**Original Application NO. 73 OF 2014, Original No. 13 of 2014 and Original Application No.186 of 2014**

List these matters on 04<sup>th</sup> February, 2016.

.....,CP  
(Swatanter Kumar)

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

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

.....,EM  
(B.S. Sajwan)

.....,EM  
(Ranjan Chatterjee)

