

**QUORUM**

**HON'BLE MR. JUSTICE B.D. AGARWAL,  
FORMER JUDGE, GAUHATI HIGH COURT, GUWAHATI**

**SHRI S. C. BHOWMIK, PROFESSOR  
REPRESENTATIVE FROM INDIAN SCHOOL OF MINES,  
(IIT - ISM), DHANBAD  
(Email id: bhowmik44@gmail.com)**

**DR. SHANTANU KUMAR DUTTA, ADDITIONAL DIRECTOR  
REPRESENTATIVE OF CENTRAL POLLUTION CONTROL BOARD  
(Email id: shantanucpcb@gmail.com)**

**IN THE MATTER OF**

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

**-Vs-**

**The State of Meghalaya & Ors.  
And other connected matters**

**PRESENT**

- :** **Hon'ble Mr. Justice B. D. Agarwal,**  
(through VC)  
Former Judge, Gauhati High Court, Guwahati
- :** **Dr. Shantanu Kumar Dutta,**  
(through VC)  
Member, NGT Committee, Meghalaya,  
Addl. Director, Central Pollution Control Board,  
Regional Directorate Shillong Nongthymmai,  
Meghalaya, Shillong.  
Email id: shantanucpcb@gmail.com
- :** **Dr. Manjunatha C, IFS**  
Secretary to the Government of Meghalaya,  
Mining & Geology Department  
Email id: manju2020@gmail.com
- :** **Shri. S. Halder ( through VC)**  
General Manager, (MNS),  
Coal India Ltd.
- :** **Shri. George Mathew (TS to Director Marketing,**  
through VC)  
Coal India Ltd.

*Handwritten signature in blue ink.*

**Record of Eleventh Special Sitting of the Committee constituted by the Hon'ble NGT under Chairmanship of Hon'ble Mr. Justice B.D. Agarwal, Former Judge, Gauhati High Court held at 11:00 A.M. on 19<sup>th</sup> February, 2021 in the Office of Principal Chief Conservator of Forest & HOFF, Conference Hall, Sylvan House, Lower Lachumiere, Meghalaya, Shillong-793001 through video conference.**

### AGENDA

1. To review the petition of Mr Erantis Symplic and others, coal owners of Byndihati Village, East Jaintia Hills District, Meghalaya regarding fixation of floor price (base price) for coal in the coal auction by Coal India Ltd.
2. Any other item with permission of the Chairman.

### PROCEEDINGS

#### Agenda - 1

**To review the petition of Mr Erantis Symplic and others, coal owners of Byndihati Village, East Jaintia Hills District, Meghalaya regarding fixation of floor price (base price) for coal in the coal auction by Coal India Ltd.**

This Special Sitting has been convened to evaluate the threshold rates of coal to be put up in auction in the first phase. The Committee has also received one representation from few coal owners requesting this Committee as well as the Mining & Geology Department to fix the floor price for coal above the base rates fixed by the Coal India Ltd.

In the Judgement dated 3<sup>rd</sup> July, 2019 in the case of All Dima Hasao –vs- SoMeghalaya the Hon'ble Supreme Court has also held at Paragraph 187 that the price of the coal should be fixed in such a way that it should benefit both the owners of the coal as well as the Government of Meghalaya. At the same time, the Hon'ble National Green Tribunal (Principal Bench) in their order dated 25<sup>th</sup> March, 2015 in O.A. No. 73 of 2014 in the matter of *All Dimas Students Union Dima Hasao Dist. Committee Vs State of Meghalaya* at page 16 thereof, which has again been reiterated by the Hon'ble NGT in their order dated 31.08.2018 in OA No. 110 (THC)/2012 (*Threat to Life arising out of coal mining in South Garo Hills District Vs*



State of Meghalaya), has referred to the report of the Comptroller and Auditor General (CAG) for the period ending 31<sup>st</sup> March 2013 at para 7.5.18 of Chapter 7, wherein the CAG has accepted the market price of the coal in the year 2013 @ Rs. 4850 per metric tonne (MT). On the basis of the said rate of coal i.e., Rs. 4850 per MT, the Hon'ble NGT has fixed a sum of Rs. 485, @10% of market price of the coal, to be deposited in the Meghalaya Environment Protection and Restoration Fund (MEPRF) for each metric tonne of coal consignment.

In view of the above, the Committee recommends that the reserved price/ base price of the coal to be put up during the first phase of auction should be Rs. 4850/- per metric tonne of coal in respect of the lowest grade of coal viz., G17 .

Insofar as fixing the floor price for the higher grades of coal, the prices fixed by the Coal India Ltd vide their price Notification No. GM(F)/Pricing 2018/07 dated 8<sup>th</sup> January 2018 in respect of the corresponding higher grade of coal shall be added to the base price fixed by the NGT Committee to-day in respect of G17 grade of coal to arrive at the floor price of such higher grade of coal (from G16 till G1). Thus the add-on value for a particular higher grade of coal *vis a vis* the base price of the lowest grade of coal (G17) shall be the price notified by the Coal India Ltd in respect of such higher grade of coal in their aforesaid notification dated 08.01.2018.

This Committee in their 7<sup>th</sup> Special sitting held on 12<sup>th</sup> March 2020 and also in the 11<sup>th</sup> Special sitting held on 19<sup>th</sup> February, 2021 had also directed the Government to accord wide publicity to the proposed coal auction. Accordingly, the Committee now again directs the Mining & Geology Department, Government of Meghalaya, to publicise the proposed coal auction on two consecutive working days in two national newspapers (national edition from New Delhi) and also in a minimum of two local newspapers (one vernacular newspaper and another English newspaper) which are widely circulated in the State of Meghalaya.

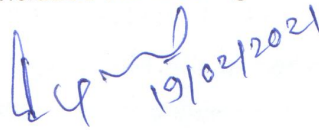
In addition, the auction notice shall also be uploaded in the websites of the Mining & Geology Department, Forests & Environment Department and Coal India Ltd respectively. All these publicity should be done one week prior to the beginning of the auctioning process through MSTC Ltd.

In the revised Comprehensive Plan for coal auction dated 24<sup>th</sup> August, 2020 in Clause 8(h), it has been stipulated that another auction notice shall be issued after the auction process commences through MSTC Ltd. It has also been stated therein that the auction notices should be uploaded in the websites of MSTC Ltd., Coal India



Ltd. and the Mining & Geology Department. These stipulations shall be scrupulously adhered to.

The Chairman thanked all present and concluded the meeting.

 19/02/2021

**(Justice B.D. Agarwal)**  
Former Judge, Gauhati High Court  
And Chairman, NGT Committee, Meghalaya