

**QUORUM**

**HON'BLE MR. JUSTICE BROJENDRA PRASAD KATAKEY,  
FORMER JUDGE, GAUHATI HIGH COURT, GUWAHATI**

**PROF. ASHOK K. SINGH, MEMBER  
REPRESENTATIVE FROM INDIAN SCHOOL OF MINES, DHANBAD  
IIT (ISM), DHANBAD (826004)  
(Email id: singhashok0707@gmail.com)**

**DR. SHANTANU KUMAR DUTTA, SCIENTIST 'D'  
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**

- :** **Prof. O. P. Singh,**  
Department of Environmental Studies,  
North Eastern Hill University  
Email id: opsinghnehu@gmail.com
- :** **Mr. C. P. Marak, IFS,**  
Principal Chief Conservator of Forests & HoFF  
Government of Meghalaya  
Email id: cpmarak@gmail.com, pccfmegh@gmail.com,  
megspcb@rediffmail.com
- :** **Mr. H.C. Chaudhary, IFS,**  
Additional Principal Chief Conservator of Forests,  
(Planning, Development and Legal Matters), Government  
of Meghalaya.  
Email id: harishcc@yahoo.com
- :** **Mr. Manjunatha C, IFS**  
Secretary to the Government of Meghalaya, Mining &  
Geology Department  
Email id: manju2020@gmail.com
- :** **Shri. N. Bhattacharjee,**  
Chairman  
State level Expert Appraisal Committee, Meghalaya  
Email id: nabameister@gmail.com



- : **Smti P. L. Lawai, MCS**, Joint Secretary,  
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- : **Mr. K. D. Talukdar**  
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- : **Dr. Z. Changsan**  
Regional Director, Central Pollution Control Board,  
Regional Directorate North East, Shillong  
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- : **Mr. J. M. Pohsngap, IFS**, Conservator of Forests  
Climate Change, Research & Training  
Representing Shri. B. S. Kharmawphlang, IFS, Principal  
Chief Conservator of Forests (CC, R & T)
- : **Mr. B. N. Pan**, Director  
Mahacol Trexim Private Ltd.,  
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- : **Mr. S. Kumar Bagrodia**, Director  
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- : **Mr. A. Saxena**, Chief Executive Officer  
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- : **Mr. Shrey**, Project Engineer  
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- : **Shri M. Koireng**  
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- : **Mr. M. Somorjit Singh**, Scientist  
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- : **Shri. A. Kr. Chatterjee**  
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- : **Mr. G. S. Sah**, Assistant General Manager  
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- : **Mr. K. Tripathi**,  
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- : **Dr. A. Warr**, Joint Director  
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- : **Mr. J. H. Nengnong**, Member Secretary  
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- : **Mr. M. S. Lyngdoh**, Director  
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- : **Mr. M. Passah**, Sub – Divisional Officer  
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- : **Mr. P. Ch Marak**  
Mining Engineer,  
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- : **Mr. I. R. Lyngdoh**, Programme Associate  
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- : **Mr. P. Lyngdoh**, Junior Engineer  
Public Health Engineering, Rural Water Supply, Jowai
- : **Mr. L. Shabong**, OSD  
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**PROCEEDING NO. 15**

**RECORD OF THE MINUTES OF FIFTEENTH SITTING OF THE COMMITTEE CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL UNDER THE CHAIRMANSHIP OF HON'BLE MR. JUSTICE B. P. KATAKEY, FORMER JUDGE, GAUHATI HIGH COURT HELD ON 28<sup>th</sup> JUNE, 2019 AT 10.00 A.M IN THE CONFERENCE HALL, O/O PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HOFF, SYLVAN HOUSE, SHILLONG, MEGHALAYA.**

Mr. C. P. Marak, IFS, Principal Secretary to the Government of Meghalaya, Forest & Environment Department & Principal Chief Conservator of Forests, Meghalaya, welcomed the Hon'ble Chairperson, Representatives, Members of the Committee, Special Invitees, Senior Officials of the State Government and other officers present.

**AGENDA ITEMS FOR DISCUSSION**

1. Presentation by Shri. B.N. Pan, Director, Meghalaya Mahacoal Mines Private Limited on the coal mining being undertaken at various places in India by using Highwall Technology and efforts made by the Meghalaya Mahacoal Mines Private Limited to undertake coal mining in Meghalaya by using highwall Technology.
2. Presentation by representative of M/s. Trinity Impex International on a pilot project formulated by them for treatment of an acidic stream at Rymbai by using Phycoremediation.
3. .Presentation by representative of M/s Growdiesel Ventures on a proposal to undertake pilot project on neutralization of Acid Mine Drain (AMD) by using algae.
4. Presentation by North Eastern Space Application Centre (NESAC), Umiam on studies assigned to them in respect of coal mining affected areas in East and West Jaintia Hills Districts.
5. Consideration of a letter dated 13.06.2019 from Shri Balwan Bhama, Shree Kamakhya Trade & Transport Association, Guwahati regarding alleged export of illegally mined coal at Gasuapara (South Garo Hills District).
6. Consideration of a report dated 25.06.2019 from Superintendent of Police, Ri - Bhoi regarding overturning of a coal laden truck at Jatah Mawhati Village.
7. Any other matter (s) to be raised with permission of the Chair.

**AGENDA ITEM NO. 1**

1. Mr. B.N. Pan, Director, Mahacoal Trexim Pvt. Ltd. made a detailed presentation on Highwall Mining Technology, a possible safe and reliable solution to the unsafe and unscientific rate hole mining undertaken in Meghalaya. During the presentation Mr. Pan



stated that the said technology is highly suitable for extraction of high quality coal available in Meghalaya in thin seams. During the presentation Shri Pan stated that the said technology was developed to extract coal in Appalachian Ranges in United States of America (USA) having the topography and thickness of coal seams similar to Meghalaya. In India said technology has been introduced in 2010 in Sharda Opencast Mine located in Sohagpur area of South Eastern Coalfields Limited (SECL). It has also been introduced in April 2016 at West Bokaro Collieries of Tata Steel Limited for extraction of 3m to 9m thick coal seams available at a Highwall after the completion of opencast working at a depth of 140 m. Presently this technology is being used at five places in the country. He further informed that undertaking of coal mining by Highwall Technology requires capital investment of about Rs. 150 crore on purchase of necessary machineries and equipment.

Mr. Pan further stated that to assess the feasibility of introduction of the High Wall Technology in Meghalaya, in 2009 a group of Ministers and senior officers from Meghalaya visited some of the areas where the said technology is being used in USA. Subsequent to the visit, to the Meghalaya Mines and Minerals Development Corporation (MMDC) Limited entered into a Joint Venture (JV) with M/s Mahacoal Trexim Pvt. Ltd. in July 2010 to exploit coal reserve in Meghalaya in scientific, planned and safe manner. Ninety percent of the shares of the said JV named M/s Meghalaya Mahacoal Trexim Pvt. Limited are held by M/s Mahacoal Trexim Pvt. Ltd. Though no payment towards the share capital has been made by the MMDC so far, the remaining ten percent of the share in the said JV are held by the MMDC. The share capital of the MMDC will be recovered from the MMDC's share in the profit to be accrued to the said JV in future.

Mr. B.N. Pan also stated that the JV has interacted with the Geological Survey of India to collect geological data of different coal bearing areas in Meghalaya. It has also undertaken field survey in coal bearing areas in the State. Based on the above, two coal bearing areas located at Pendynslagh and Parmawdor in West Khasi Hills District at about 140 km and 164 km distance respectively from the Shillong were identified and a report on the same was submitted to the Mining and Geology Department, Government of Meghalaya.

The Joint Secretary to the Government of Meghalaya, Mining and Geology Department stated that as per the existing laws, only a JV having minimum 74 percent share capital of the Government or of a company fully owned by the Government is eligible for allotment of a coal block under government route without need to participate in auction. The said JV, as per the existing laws, thus cannot be assigned a lease for mining of coal. It may however be employed as a Mine Developer and Operator (MDO) for a mining lease which may be granted in favour of a Government Company such as MMDC.



The Committee directs the Commissioner and Secretary to the Government of Meghalaya to place before the Committee a copy of report on a pilot project submitted to them by the said JV. The Committee also decided that to have first-hand knowledge of the said technology, it may in near future consider to visit one of the mines in India where coal is being extracted by using high wall technology.

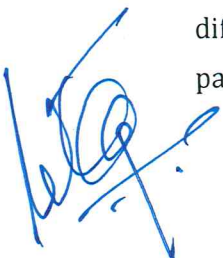
## AGENDA ITEM NO. 2

2. Mr. Sukhdev Singh, Chief Executive Officer (CEO), M/s. Trinity Impex International and Dr. V. Sivasubramanian, Director, Phycospectrum Environmental Research Centre (PERC), Chennai made a presentation on various projects undertaken by them in India and overseas for treatment of waste water by using micro-algae technology. During the presentation they stated that in India such projects have been undertaken in Tamil Nadu, Gujarat, Maharashtra, Madhya Pradesh, Bihar, Uttar Pradesh and Andhra Pradesh. They have also undertaken such projects in Colombia., Iran and United Kingdom. The projects undertaken by them in India include both Government as well as private sector projects.

They also informed that after visiting three Acid Mine Drain (AMD) affected streams in East Jaintia Hills District they have prepared a proposal for implementation of a pilot project for treatment of a stream at Rymbai having current pH of 3.5 and estimated flow of about 100-120 MLD at an estimated cost of Rs. 17.45 lakhs (plus 10% contingencies). The pH of the said stream, as per them, may be brought to normal range, within one week of the initiation of algae treatment. To ensure maintenance of requisite algae population, it will require supplementary dosing of algae from time to time. The above cost will cover the creation and operation of requisite infrastructure and supplementary dosing for three months.

Committee noted that M/s Trinity Impex International appears to have sufficient experience in treatment of various types of waste water both in India and abroad. The Committee also noted that the pilot project, if found successful, can help to solve the problem of river pollution in coal mining affected areas in the State in a cost effective manner. The Committee therefore agrees in-principle to place an order in favour of M/s. Trinity Impex International for execution of the afore-mentioned Pilot project.

To ensure execution of the project in a timely manner, the Committee directs the Principal Secretary to the Government of Meghalaya, Forests and Environment Department to formulate in consultation with M/s. Trinity Impex International, a detailed Memorandum of Understanding (MoU) stating therein the roles and responsibility of different stakeholders, time-lines, quantifiable/measurable deliverable and terms of payments. The said project being a first of its kind in the State, the Committee directs that



MoU shall specifically provide that payment shall be made only after the mutually agreed quantifiable/measurable deliverables are achieved.

The Committee also decides to request the Hon'ble NGT to permit that the entire expenditure of Rs. 19,19,500 (Rupees nineteen lakh nineteen thousand five hundred) only to be incurred on the said Pilot Project may be met from the Meghalaya Environment Protection and Restoration Fund (MEPRF).

**The Committee therefore proposes to place before the Hon'ble National Green Tribunal the proposal that the entire expenditure of Rs. 19,19,500 (Rupees nineteen lakh nineteen thousand five hundred) only to be incurred on the said Pilot Project may be met from the Meghalaya Environment Protection and Restoration Fund (MEPRF).**

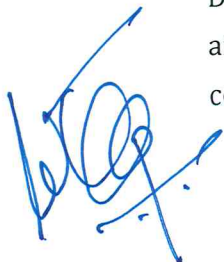
3. The Committee also directs that M/s Trinity Impex International may, in consultation with the Public Health Engineering Department, formulate a proposal to treat acidic water in one of the water supply schemes in East Jaintia Hills District where such water is presently being treated with limestone and submit a copy thereof to the Addl. Principal Chief Conservator of Forests (Planning, Development & Legal Matters) for placing the same before next sitting of the Committee to be held on 22<sup>nd</sup> July, 2019.

### **AGENDA ITEM NO. 3**

4. Mr. Atul Saxena, the Founder and Managing Director of M/s. Growdiesel made a presentation giving brief overview of organisational structure and various activities undertaken by M/s. Growdiesel on conversion of waste into biofuel. He informed that M/s. Growdiesel has established Delhi's first Waste to Biofuel Plant at Delhi Secretariat. The said plant was inaugurated by the then Chief Minister of Delhi on 25.08.2019. He further stated that M/s. Growdiesel have established India's first commercial scale bio-refinery at Kolad, Maharashtra. He also stated that India's first integrated plant at Karnal to convert sewage, slaughter house waste cow dung and bio-diesel to Bio-CNG was also established by M/s. Growdiesel.

Mr. Saxena further stated that they propose to reclaim land in abandoned coal mines in Meghalaya by using their proprietary ACB-AtomsCare Catalytic Boulders and to grow bio-fuel yielding species which are locally found in the region to produce bio-fuel.

The Committee directs Mr. Atul Saxena that he may, in consultation with the concerned Deputy Commissioner and the Chief Engineer, Public Health Engineering Department, Meghalaya and after undertaking site visit, select one of the acid mine drain affected streams and water supply schemes in East Jaintia Hills District and formulate a concrete proposal to treat acidic water therein and submit a copy thereof to the Addl.





Principal Chief Conservator of Forests (Planning, Development & Legal matters) for placing the same before next Sitting of the Committee to be held on 22.07.2019.

The Committee also directs the Director, NESAC to share with Mr. Atul Saxena requisite data/information on drainage pattern in coal mining affected areas in the East Jaintia Hills District required by him for selection of acidic mine drain affected streams and formulation of a proposal for its treatment.

#### **AGENDA ITEM NO. 4**

5. Shri. M. Somorjit Singh, Scientist, North Eastern Space Application Centre (NESAC), Umiam made a presentation on work undertaken by the NESAC on analysis of areas affected by coal mining in East and West Jaintia Hills Districts by using high resolution satellite imageries of 0.80 meters resolution for the month of March 2018. As per the said analysis, the area is home to more than 24,000 coal mines. He further submitted that report in respect of East and West Jaintia Hill districts will be finalised shortly after obtaining requisite input from the Mining and Geology Department and the Meghalaya State Pollution Control Board.

The Committee noted that boundary of coal dumps/deposits have not been separately delineated in the maps prepared by the NESAC. The Committee directs the NESAC to clearly delineate the boundary of coal dumps in the maps being prepared by them.

The Committee also directs the NESAC to submit a proposal to undertake similar land-use land-cover analysis of the areas having coal dumps/deposits for the period immediately before the ban on coal mining was imposed by the Hon'ble NGT in April 2014 and atleast once in a year thereafter, to confirm and ascertain that coal stored to be available at these dumps was continuously existing at each such dump/depot since imposition of ban on coal mining by the Hon'ble NGT in 2014.

The Committee also directed the Director, NESAC to expedite preparation of similar report for remaining coal mining areas in the State

#### **AGENDA ITEM NO.- 5**

6. The Chairman of the Committee received a letter dated 13.06.2019 from Shri Balwan Bhamra, Shree Kamakhya Trade & Transport Association, Guwahati wherein export of illegally mined coal to Bangladesh through the land custom station at Gasuapara (South Garo Hills District) was alleged. As directed by the Chairman, Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters) sent a copy of the said complaint to Inspector General in-charge Meghalaya Frontier of Border Security Force



(BSF) and the Chief Commissioner in-charge Shillong Zone of Goods and Service Tax and Customs and requested them to get examine the role, if any, of personnel of their organisation, in the alleged export of illegally mined coal, and to depute a suitable officer along with a factual report on the matter to attend this Sitting of the Committee being held at Shillong on 28<sup>th</sup> June 2019.

Shri K. Tripathi, Commandant, 55<sup>th</sup> Battalion, BSF attended the Sitting and informed the Committee that in the month of May, 2019 transportation of coal to Bangladesh through Gasuapara Land Custom Station took place on two days on 21<sup>st</sup> and 22<sup>nd</sup> May, 2019. In the first day 144 and in the second day 120 coal laden trucks crossed to Bangladesh along with requisite documents. He further informed the Committee that the BSF is not authorised to check and verify the authenticity of these documents. The requisite clearance is given by the Custom Department.

The Committee noted with concern that in-spite of prior notice, the Chief Commissioner of Goods and Service Tax and Customs, Shillong Zone neither sent a report nor deputed a representative to attend Sitting of the Committee. The Committee therefore, directs the Chief Commissioner of Goods and Service Tax and Customs, Shillong Zone to personally attend next Sitting of the Committee to be held at Shillong on 22.07.2019 along with month-wise details of coal laden trucks allowed to enter Bangladesh from each Land Custom Station in Meghalaya since imposition of ban on coal mining by the Hon'ble NGT in April, 2014. During the meeting he/she shall also apprise the Committee the nature of checks being exercised by the Custom Department to ensure that the coal allowed to be exported to the Bangladesh through the land Custom Stations has originated from a legal source.

The Committee also directs the Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department to provide to this Committee in its next Sitting to be held on 22.07.2019, the month-wise details of trucks which were permitted to export coal to Bangladesh through each Land Custom Station in Meghalaya since imposition of ban on coal mining in Meghalaya by the Hon'ble NGT in April 2014.

#### **AGENDA ITEM NO. 7**

7. The Committee examined a report dated 25.06.2019 from Superintendent of Police, Ri - Bhoi District regarding overturning of a coal laden truck at Jatah Mawhati Village and noted that even after five days from the date the said truck was detected, no arrest has been made. The Committee also noted with concern that village roads are being used to transport illegally mined coal, which not only damages already dilapidated infrastructure in rural areas but also endangers life of people residing in these areas.



The Committee directs the Superintendent of Police, Ri-Bhoi District to unravel the *modus-operandi* being adopted for transportation of illegally mined coal through such rural roads in the district, identify and arrest all culprits involved in such transportation, complete the investigation in the above case and file the charge sheet before the competent Court of Law at the earliest. A report on the same shall be submitted to the Committee before its next sitting to be held on 22.07.2019

The Committee also directs the Superintendent of Police, Ri-Bhoi district to examine the possibility of transportation of illegally mined coal from such other routes in the district and take necessary action to prevent transportation of illegally mined coal from all such routes. A report on the same shall be submitted to the Committee before its next sitting to be held on 22.07.2019.

#### **AGENDA ITEM NO. 8**

8. The Chairperson of the Committee informed that he received two similar petitions from Shri Joba A Sangma and Shri Rajen Ch. Sangma, both residents of the South Garo Hills district, stating therein that they have filed Interlocutory Applications (I.A.s) before the Hon'ble Supreme Court to obtain permission for transportation of coal reported to be freshly assessed by the concerned Deputy Commissioner. In these petitions the Committee has been requested to make favourable recommendations in the third report to be submitted to the Hon'ble NGT to permit transportation of the said coal. The Committee noted that the matter of granting permission for transportation of such coal is presently pending before the Hon'ble Supreme Court. The Committee took these petitions on record.
9. The Chairman of the Committee further informed that he has also received a joint petition from Shri Khaimon Challam, Shri Natrehi Phira, Shri Riang Challam, Shri Wandap Shyrmang Shylla and Shri Wallam Shylla, all residents of the East Jaintia Hills District, stating therein that a total quantity of 2,16,350 MT of coal belonging to them lying at various places in East Jaintia Hills District have been freshly inventorised by a Technical Committee formed by the Mining and Geology Department, Government of Meghalaya. These petitioners sought intervention of the Committee to get the said coal verified by the team of experts from CPCB and ISM Dhanbad. The Committee noted that the matter of granting permission for transportation of such coal is presently pending before the Hon'ble Supreme Court. The Committee took the said petition on record.
10. In compliance of directions issued by the Committee in fourteenth Sitting held on 03.06.2019, the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Meghalaya requested the Director, Indian Institute of Mines (IIT-ISM),



Dhanbad to permit Prof. A.K. Singh to continue as a member of the said Committee as a representative of the ISM, Dhanbad even after expiry of his engagement at ISM as a Chair Professor. In reply the Director, ISM, Dhanbad vide letter No. DT/239 dated 17.06.2019 addressed to the Addl. Principal Chief Conservator of Forests (Planning, Development and Legal Matters), Meghalaya informed that the IIT –ISM, Dhanbad has no objection to Prof. A K. Singh, Chair Professor, Department of Environmental Science and Engineering continuing with the Committee after his term is over at IIT-ISM, Dhanbad. The Committee took a copy of the said letter on record. The Committee also requested Prof. A.K. Singh to continue to attend Sitzings of the Committee even after the term of his engagement at IIT - ISM as a Chair Professor expires.

11. The Committee noted that the Hon'ble NGT in order dated 04.01.2019 directed the Committee to undertake resource (coal) audit of Meghalaya Power Limited and Star Cement Limited to ascertain the legitimate procurement of coal and its source. In compliance, the CPCB prepared a report. The Committee, after examination of the report advised the CPCB to update the same by incorporating year-wise details of cement and/or power produced by these plants to ascertain and satisfy that the quantity of coal stated to be procured by these plants from legal resources since imposition of ban on coal mining in the State in April 2014 was sufficient to produce reported quantity of cement and/or power by each of these plants.

The Committee further noted that the Hon'ble NGT in their order dated 11.04.2019 directed the Committee to undertake audit of the sources of coal acquired by all the thermal power plants and cement factories in the State. The Committee in its twelfth Sitting held on 25.04.2019 directed the CPCB to undertake resource (coal) audit of each power plant and cement factory in the State in a format prepared by the Committee.

The representative of the CPCB in last Sitting of the Committee held on 03.06.2019 informed that due to non-receipt of requisite information from the cement and power plants in the State, it has not been possible for them to complete the resource (coal) audit of these plants.

The Committee noted that the year-wise details of coal reported to be purchased from legal sources is already available in the report submitted to the Committee by the CPCB. Information on the clinker and power produced by some of these plants are also available in their annual reports, a copy of which is available in the public domain. From a perusal of these information *prima facie* it appears that quantity of coal reported to be procured by some of these plants was grossly insufficient to produce reported quantity of cement and/or power by these plants. The gap has, in all probability, been met by illegally mined coal. The same, if found to be true, has not only resulted in gross violation of the



orders of the Hon'ble NGT and the Hon'ble Supreme Court but has also resulted in enormous loss of revenue to the State.

To have a preliminary assessment of illegally sourced coal, if any, used by any of these plants/factories after ban on mining of coal was imposed by the Hon'ble NGT in April, 2014, the Committee directs the Managing Directors/ Chief Executive Officers of all cement factories and thermal power plants in the State to depute their duly authorised representative(s) to remain present before the Committee in its sitting to be held on 23.07.2019 and produce before the Committee, along with supporting documentary evidence, the following information / documents:

- (i) Year-wise details of clinker and / or power produced since imposition of ban on coal mining in the State in April 2014;
- (ii) Year-wise details of coal and / or any other alternate fuel procured since imposition of ban on coal mining in the State in April 2014;
- (iii) Year-wise details of the quantity of cement/ clinker on which transport subsidy, if any, has been claimed by the plant since imposition of ban on coal mining in the State in April 2014;
- (iv) A copy of annual report for each of the years since imposition of ban on coal mining in the State ;
- (v) Average estimated quantity of coal and / or any other alternate fuel(s) required to produce one tonne of clinker and / or one unit (kwh) of power; and
- (vi) A copy of Detailed Project Reports (DPRs) submitted to the Bank(s) / Financial Institution(s) to obtain loan for establishment / expansion / modernisation of the plant.

**12.** The Committee reiterates its earlier direction that all the thermal power plants and cement factories shall provide, without fail, all requisite information/documents sought by the CPCB for undertaking detailed year-wise resource (coal) audit in the format stipulated by the Committee. The CPCB shall complete the resource (coal) audit of all such plants/factories in the State and submit the audit report to the Committee in its next Sitting to be held on 22.07.2019.

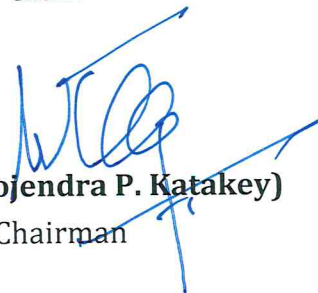
**13.** The Committee proposed to have its next sitting for two days on 22<sup>nd</sup> and 23<sup>rd</sup> July, 2019. On the first day the Committee proposes to review the status of actions taken by various authorities to comply with the directions issued by the Committee in its previous Sittings. On the second day the Committee proposes to hold a meeting with the duly authorised representatives of the thermal power plants and cement factories in the State to obtain and examine the afore-mentioned information/documents relating to consumption and

procurement of coal and production of electrical power and clinker by each such plants to satisfy that entire amount of coal required for electricity and cement produced by them since imposition of ban on coal mining in the State by the Hon'ble NGT in April 2014 has been procured from legal sources.

The Member-Secretary of the Committee shall invite all concerned to attend the next Sitting.

- 13.** Let this proceeding be sent to the Hon'ble National Green Tribunal for kind consideration of the proposal in para 2.

The meeting ended with a vote of thanks from the Chair.

  
**(Justice Brojendra P. Katakey)**  
Chairman