

QUORUM

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

**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

- :** **Mr. C. P. Marak, IFS,**
Principal Chief Conservator of Forests & HoFF
Government of Meghalaya,
Principal Secretary to the Government of Meghalaya
& Chairman, Meghalaya State Pollution Control Board
Email id: cpmarak@gmail.com, pccfmegh@gmail.com,
megspcb@rediffmail.com
- :** **Mr. H. Nongpluh, IPS**
Additional Director General of Police
(L & O/ TAP/ SB/ Border)
Home (Police) Department, Government of Meghalaya
Email id: igp.tap-meg@gov.in
- :** **Mr. R. S. Gill, IFS**
Additional Principal Chief Conservator of Forests
(Social Forestry & Environment)
Forests & Environment Department,
Government of Meghalaya
Email id: freedomtower@rediffmail.com
- :** **Mr. S. M. Sahai, IFS,**
Additional Principal Chief Conservator of Forests,
(Climate Change, Research & Training),
Forests & Environment Department,
Government of Meghalaya.
Email id: sushileshmsahai@gmail.com



- : **Mr. H.C. Chaudhary, IFS,**
Additional Principal Chief Conservator of Forests,
(Planning, Development and Legal Matters), Forests &
Environment Department, Government of Meghalaya.
Email id: harishcc@yahoo.com
- : **Mr. K. A. Khieya, IRS**
Commissioner (Customs)
Office of the Commissioner of Customs (Preventive)
North Eastern Region, Shillong
Email id: ashikhieya@gmail.com
- : **Mr. Manjunatha C., IFS**
Secretary to the Government of Meghalaya, Mining &
Geology Department
Email id: manju2020@gmail.com
- : **Mr. A. Kembhavi, IAS**
Director, Directorate of Mineral Resources,
Government of Meghalaya
Email id: arunkumar.kembhavi@gmail.com
- : **Smti P. L. Lawai, MCS,**
Joint Secretary to the Government of Meghalaya,
Mining & Geology Department,
Email id: paleilawai@gmail.com
- : **Mr. A. M. Tripathi**
Advocate for State of Meghalaya,
Email id: avijitmani@gmail.com
- : **Mr. A. H. Kharwanlang**
Government Advocate for State of Meghalaya
Email id: arkinkharwanlang@gmail.com
- : **Mr. W.I. Yatbon, IFS**
Deputy Inspector General of Forests (Central)
Ministry of Environment, Forests & Climate Change,
North Eastern Regional Office, Shillong
Email id: yatbon123@gmail.com
- : **Mr. W. Mustafa**
Assistant Commissioner of Customs
Office of the Commissioner of Customs (Preventive)
North Eastern Region, Shillong
Email id: ashikhieya@gmail.com
Email id: wazim.mustafa@gov.in
- : **Mr. J. H. Nengnong**
Member-Secretary
Meghalaya State Pollution Control Board, Shillong
Email id: megspcb@rediffmail.com



- : **Dr. Z. Changsan**
Regional Director, Central Pollution Control Board,
Regional Directorate North East, Shillong
Email id: zchangsan.cpcb@nic.in
- : **Mr. K. D. Talukdar**
Chief Engineer, Public Health Engineering Department,
Government of Meghalaya, Shillong
Email: cephe.meg@yahoo.com
- : **Mr. P. M. Sangma**
Deputy Commissioner of Transport,
Transport Department, Government of Meghalaya
- : **Smti. A. D. Synrem, JLO**
Meghalaya State Pollution Control, Shillong
Email id: megspcb@rediffmail.com
- : **Mr. P. Ch. Marak**
Mining Engineer, Directorate of Mineral Resources
Government of Meghalaya,
- : **Mr. M. Somorjit Singh**
Scientist
North Eastern Space Application Centre,
Department of Space, Government of India
Email id: msomorjit69@gmail.com
- : **Dr. H. Tynsong,**
Scientist 'D',
Ministry of Environment, Forests & Climate Change,
North Eastern Regional Office, Shillong
Email id: h.tynsong@gov.in
- : **Smti. R. Kynjing**
Executive Engineer, Public Health Engineering,
Rural Water Supply Division, Jowai
Email id: ronkyn38@gmail.com

PROCEEDING NO. 19

RECORD OF THE MINUTES OF NINETEENTH 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 18th OCTOBER, 2019 AT 10.00 A.M IN THE CONFERENCE HALL, O/O PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HOFF, SYLVAN HOUSE, SHILLONG, MEGHALAYA.

At the outset of the Sitting, Mr. C. P. Marak, IFS, Principal Chief Conservator of Forests & HoFF, Meghalaya who is also holding the charge of the posts of Principal Secretary to the Government of Meghalaya, Forest & Environment Department and the Chairman, Meghalaya



State Pollution Control Board welcomed the Hon'ble Chairperson, Member of the Committee, Special Invitees, Senior Officials of the State Government, Senior Officials of the Government of India and other officers present.

AGENDA ITEMS FOR DISCUSSION

1. **Review of actions taken to comply with directions issued by the Committee in Eighteenth Sitting held on 16.09.2019.**
2. **Consideration of a report to be submitted by the Commissioner and Secretary to the Government of Meghalaya, Mining & Geology Department on suspected discrepancies in Mineral Transportation Challan No. 73/007960 issued by the Divisional Mining Officer, Directorate of Mineral Resources, Jowai.**
3. **Consideration of a report to be submitted by the Commissioner & Secretary to the Government of Meghalaya, Mining & Geology Department on grant of approval for transportation of 809 MT of coal lying at 13th Mile Tamulkuchi, Byrnihat, Ri-Bhoi District.**
4. **Consideration of an e-mail dated 11.10.2019 received from Prof. A. K. Singh (Retd.) seeking exemption from attending future Sittings of the Committee.**
5. **Any other matter (s) to be raised with permission of the Chair.**

The Chairman of the Committee stated that the Director, Directorate of Mineral Resources, Government of Meghalaya, Shillong on behalf of the State of Meghalaya has filed an Application today, a soft copy of which was sent to the Chairperson of the Committee last evening, raising certain issues relating to various orders passed by the Committee from time to time.

Mr. A. M. Tripathi, the Learned Counsel appearing for the State of Meghalaya has submitted that the State of Meghalaya through the present Application has made an attempt to point out certain orders passed by this Committee in certain Proceedings which according to the State of Meghalaya are beyond the directions issued by the Hon'ble Supreme Court as well as by the Hon'ble National Green Tribunal.

It has also been submitted that the Committee in certain Proceedings has also dealt with certain issues which have already been finalised by virtue of the Judgment passed by the Hon'ble Supreme Court on 3rd July, 2019 in in Civil Appeal No. 10720 of 2018 in the Matter of

State of Meghalaya Versus All Dimasa Student Union, Dima-Hasao District Committee & Ors and other Connected Matters.

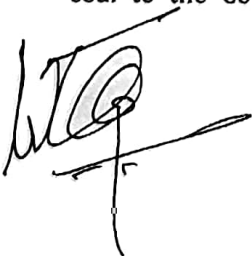
The said Application is taken on record, which however could not be taken up today *i.e.* the 18th October, 2019 for disposal due to the reason that one of its Members *viz.* Prof. (Retd.) Ashok Kumar Singh vide an e-mail dated 11.10.2019 has expressed his inability to attend Sittings of this Committee and has requested to relieve him from his duties as a member of this Committee.

This Committee has been constituted by the Hon'ble National Green Tribunal vide Order dated 31.08.2018 passed in O.A. No. 110 (T_{HC}) / 2012 in the matter of Threat to Life Arising Out of Coal Mining in South Garo Hills District Vs State of Meghalaya & Ors. and other connected matters. As per the said Order the Committee consists of a Chairperson and 2 (two) members, one of whom is to be nominated by the Indian Institute of Technology (Indian School of Mines), Dhanbad, the other member was to be nominated by the Central Pollution Control Board.

The Indian Institute of Technology (Indian School of Mines), Dhanbad, had nominated Prof. A. K. Singh (Retd.) as its Member. While continuing as a member of this Committee, Prof A. K. Singh has retired from Indian Institute of Technology (Indian School of Mines), Dhanbad. Even after his retirement the Indian Institute of Technology (Indian School of Mines), Dhanbad allowed Prof. (Retd.) A.K. Singh to continue as a member of the Committee.

Since Prof. A. K. Singh (Retd.) has expressed his inability to continue as member of this Committee, the Director, Indian Institute of Technology (Indian School of Mines), Dhanbad, is to be requested to nominate any other experienced person as a member of the Committee in terms of the aforesaid Order dated 31.08.2018 passed by the Hon'ble National Green Tribunal. The Member-Secretary of the Committee therefore; shall forthwith write to the Director, Indian Institute of Technology (Indian School of Mines), Dhanbad, to nominate a member in place of Prof. A. K. Singh (Retd.) so that he can participate in the next Proceeding scheduled to be held on 12th November, 2019. A copy of the said e-mail dated 11.10.2019 along with a subsequent e-mail dated 16.10.2019 received from Prof. (Retd.) A. K. Singh shall also be sent to the Member Secretary, Central Pollution Control Board (CPCB) with a request that decision of the concerned Competent Authority in the CPCB on issues raised therein may be communicated to this Committee at the earliest.

Third Special Sitting of the Committee to consider a draft Policy to be prepared by the State of Meghalaya in consultation with the Coal India Limited for handing over of the assessed coal to the Coal India Limited for disposal through e-auction, as directed by the Hon'ble



Supreme Court by the said Judgment dated 03.07.2019, is scheduled to be held on 07.11.2019. Keeping in view that 07.11.2019 is likely to be declared as a local Holiday on account of a local festival (viz. Shad Nongkrem), Committee decided that the said Special Sitting may be held on 11.11.2019. The said Application filed on behalf of the State of Meghalaya which has been taken on record today will be considered by the Committee in the Said Special Sitting to be held on 11.11.2019.

Except the Agenda Item No. 4, none of the other Agenda Items for this Siting have been taken into consideration today in view of the fact that before dealing with these Agenda Items, the Application filed on behalf the State of Meghalaya, which is taken on record today, has to be considered first. All these agenda items, along with additional agenda items, if any, will be taken up by the Committee in its next Sitting to be held on 12th November, 2019 at 10. 00 AM in Conference Hall in Office of the Principal Chief Conservator of Forests and Head of Forest Force, Sylvan House, Lower Lachumiere, Shillong.

The today's Proceedings stand adjourned with these Orders.


(JUSTICE BROJENDRA P. KATAKEY)
CHAIRMAN