

**QUORUM**

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

**SHRI S. C. BHOWMIK, PROFESSOR  
(through VC)  
REPRESENTATIVE OF 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**

- :** **Shri D. P. Wahlang, IAS**  
Principal Secretary to the Government of  
Meghalaya, Forests & Environment Department  
Email id: dwahlang@yahoo.com
- :** **Shri B.K. Lyngwa, IFS**  
Principal Chief Conservator of Forests & HoFF  
& Chairman, Meghalaya State Pollution Control  
Board, Government of Meghalaya.  
Email id: lyngwabk@yahoo.com,  
pccfmegh@gmail.com,  
megspcb@rediffmail.com
- :** **Prof Shri S.C. Bhowmik,**  
(through VC)  
Member, NGT Committee, Meghalaya,  
IIT-ISM, Dhanbad. Sardar Patel Nagar,  
Jharkhand-826004.  
Email id: bhowmik44 @gmail.com.
- :** **Dr. Shantanu Kumar Dutta,**  
Member, NGT Committee, Meghalaya,  
Addl. Director, Central Pollution Control Board,



Regional Directorate Shillong, Nongthymmai,  
Meghalaya.  
Email id: shantanucpcb@gmail.com

- : **Dr. Manjunatha C, IFS**  
Secretary to the Government of Meghalaya,  
Mining & Geology Department  
Email id: manju2020@gmail.com
- : **Dr. Z. Changsan**  
Regional Director, Central Pollution Control Board,  
Regional Directorate North East, Shillong.  
Email id: zchangsan.cpcb@nic.in
- : **Shri J. H. Nengnong**  
Member Secretary,  
Meghalaya State Pollution Control Board.  
Email id: megspcb@rediffmail.com
- : **Shri B. Mawlong, MCS**  
Joint Secretary to the Govt of Meghalaya  
Commerce & Industries Department, Shillong.  
Email id: bamari.mawlong@nic.in
- : **Shri D. D. Sangma, MCS**  
Joint Secretary to the Govt of Meghalaya,  
Mining & Geology Department, Shillong  
Email id: daviddandali@gmail.com
- : **Shri G. K. Iangrai, MPS**  
Assistant Inspector General of Police (A)  
Meghalaya, Shillong.  
Email id: gkiangrai@gmail.com
- : **Shri T. Lyngwa, IAS**  
(through VC)  
Deputy Commissioner, West Khasi Hills  
Email id: lyngwa123@gmail.com
- : **Shri P. M. Sangma**  
Deputy Commissioner, Transport Department,  
Government of Meghalaya.
- : **Shri Y. F. H. Laloo**  
Assistant Environmental Engineer,  
Meghalaya State Pollution Control Board.  
Email id: megspcb@rediffmail.com
- : **Shri P. C. Marak**  
Mining Engineer,  
Directorate of Mineral Resources  
Government of Meghalaya



**Shri F. Sutnga**  
Joint Director,  
Commerce & Industries Department.  
Government of Meghalaya  
Email id: fsutnga21@gmail.com

**PROCEEDINGS OF 28<sup>TH</sup> GENERAL SITTING**

**MINUTES OF TWENTY EIGHTH 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 ON 8<sup>TH</sup> DECEMBER, 2020 AT 11.00 A. M. IN THE CONFERENCE HALL, O/O PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HOFF, SYLVAN HOUSE, LOWER LACHUMIERE, MEGHALAYA, SHILLONG-793001.**

**Agenda**

1. Consider the application filed by Shri. Pawan Sharma, G.S. Road, Shillong in I.A. No. 244/2020 in O.A. No. 110(THC)/ 2012.
2. Report by Meghalaya State Pollution Control Board on closure of illegal Coke units and reports from the concerned Deputy Commissioners on the operation of Coke industries in the respective Districts.
3. Consideration of the revised estimate submitted by NESAC, Umiam in respect of geospatial study to be carried out by them
4. Steps to be taken to achieve scientific coal mining in Meghalaya
5. Any other item with permission of the Chairperson.

**PROCEEDINGS**

**AGENDA NO. 1**

**Consideration of the application filed by Shri. Pawan Sharma, G.S. Road, Shillong in I.A. No. 244/ 2020 in O.A. No. 110(THC)/2012.**

The Petitioner, Shri Pawan Sharma as well as his Counsel, Shri A. S. Sidique are absent though they were duly notified in the last meeting. The Petitioner



and his Counsel were requested to present their case physically before this Committee as the audio and video system at their end was not perfect.

However, today, both of them are absent. Neither have they appeared personally before the Committee nor they have joined the proceeding through Video Conference. After waiting for some time, the Deputy Conservator of Forests (Monitoring & Evaluation) had contacted Shri Pawan Sharma over telephone and he assured him that they will be attending the sitting within a couple of minutes. However, till 12.05 P.M. both the Petitioner and his Counsel are absent. This shows that the Petitioner is not interested to pursue his complaint. Despite that the Committee will pass appropriate order on the basis of the pleadings of the Petitioner.

On behalf of the State, Dr. Manjunatha C, IFS, Secretary to the Government of Meghalaya, Mining & Geology Department presented his case. The Committee will consider his submissions. Order is reserved, and it will be communicated in due course.

#### **AGENDA NO.2**

#### **Report by Meghalaya State Pollution Control Board on closure of illegal Coke units, reports from the concerned Deputy Commissioners on the operation of Coke industries in the respective Districts.**

Shri B.K. Lyngwa, IFS, Chairman, Meghalaya State Pollution Control Board (MSPCB) was present in the sitting in person. The MSPCB informed the Committee that still 17 Coke factories are running in West Khasi Hills District despite serving closure notices. In the previous meeting also, the MSPCB had informed the Committee that the closure notices were issued to the factories which do not possess CTE/ CTO. In the meanwhile, the MSPCB has already filed an FIR in the Court against M/s Mongri Coke. Today, the MSPCB was directed to file similar FIRs against other Coke industries also who are flouting the Water and Air Act and also violating other necessary Rules and Regulations.

Contrary to that, the Deputy Commissioner, West Khasi Hills District has submitted a report dated 04.12.2020, wherein it has been stated that closure notices



were issued to 15 Coke factories and those are presently non-functional. In this way, contrary reports have been submitted to the Committee.

Accordingly, the Committee takes the decision to direct the MSPCB as well as the Deputy Commissioner, West Khasi Hills District to take all necessary legal action against the illegal Coke Industries running in West Khasi Hills District and other districts as well. The Deputy Commissioner, West Khasi Hills District is also directed to submit a fresh status report within next 2 (two) weeks without fail to this Committee regarding status of operation of Coke industries in West Khasi Hills District.

The Member Secretary, MSPCB has also given the list of Coke industries established in the East Jaintia Hills District. As per the chart, out of these 16 Coke industries (*i.e.* 15 are in East Jaintia Hills and 1 in West Jaintia Hills), few industries are yet to apply for CTE and few industries have not yet been issued CTO.

From among the 18 industries in East Jaintia Hills and West Jaintia Hills Districts respectively, 2 industries have been granted CTO *viz.* M/s Abhi Coke Pvt Ltd and M/s Jaintia Coke Pvt Ltd, whereas rest of the industries have not obtained CTE. From among these industries, 10 have been granted CTE whereas the rest have applied for CTE. So among these 16 industries, 10 have obtained CTE and the remaining factories have applied for CTE. However, the remaining Coke industries who have been granted CTE, have also applied for CTO and there are few other industries who are yet to apply for CTO, despite having been granted CTE. Final status report in respect of the aforesaid industries is to be submitted by the MSPCB as well as the Deputy Commissioners of the East Jaintia Hills District and West Jaintia Hills District within 2 (two) weeks without fail.

Status report to be submitted by the MSPCB shall include status of installation whether completed or not, and the number of ovens in respect of each industry with details of capacity of the installed oven and whether they are presently running or not.



**AGENDA NO.3**

### AGENDA NO.3

#### **Consideration of the revised estimate submitted by NESAC, Umiam in respect of geospatial study to be carried out by them**

The North-Eastern Space Applications Centre (NESAC), Umiam in their earlier report to the NGT Committee had submitted a project report for a total sum of Rs. 80.98 lakhs. However, the Committee is in receipt of a revised and corrected estimate for the same task which was entrusted to them earlier by the NGT Committee. The fresh estimate is for a total sum of **Rs. 90.80445 lakhs**. The Committee deliberated over the revised estimate and accepted the revised estimate submitted by NESAC in this regard.

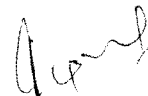
The Committee also decides to recommend to the NGT for release of **Rs. 90.80445 lakhs** from the MEPR Fund, presently held by the Mining & Geology Department to enable NESAC to execute this geospatial study in coal mine affected districts of Meghalaya.

### AGENDA NO.4

#### **Steps to be taken to achieve scientific coal mining in Meghalaya**

The Secretary, Mining & Geology Department informed that there is requirement to start scientific environment friendly coal mining in the State. As per the Hon'ble Supreme Court order, coal mining is allowed only in compliance with Mines and Minerals (Development and Regulation) Act 1958, Mines Act 1952, the Environment Protection Act 1985. To start scientific mining, a Mining Plan needs to be prepared which would suggest mining methods suitable to Meghalaya. The mining plan needs to be approved by the Ministry of Coal. It was suggested to the Committee to request the Indian School of Mines, Dhanbad, Central Mine Planning and Design Institute (CMPDI) to develop suitable mining methods for Meghalaya for the purpose of requiring mining plan to start scientific coal mining in the State.

The Committee agreed to address letters to these organisations seeking their opinion on the mining method which is suitable to Meghalaya coal mines and salient features of the environmental plan for submission of the same to this Committee within 6 (six) weeks of receipt of the letter of request. For any further



clarification on the matter, the above institutions would be at liberty to contact the Secretary to the Government of Meghalaya, Mining & Geology Department and obtain further details on the matter.

#### AGENDA NO.5

#### **Any other item with permission of the Chairperson**

The Secretary to the Government of Meghalaya, Mining & Geology Department pointed out that in the last meeting it was approved that Research & Training Wing of the Forest & Environment Department will submit proposal for implementation of Miyawaki method in association with Central Pollution Control Board. He is of the opinion that if the Social Forestry Division of the Forest & Environment Department is involved in execution of the plantation work, it would be easier for implementing the project. The Secretary to the Government of Meghalaya, Mining & Geology Department also pointed out that if possible, an area of 10 ha should be covered under Miyawaki plantation in each of the five Districts, instead of 5 ha in each of the five districts. The Committee approved the suggestions of the Secretary Mining & Geology Department.

The Committee decided to hold the next sitting i.e., the Twenty Ninth Sitting of the Committee on **8<sup>th</sup> January, 2020** (Friday) at Umiam, Ri – Bhoi District at 11.00 A.M.

The Chairman thanked all present and concluded the meeting.



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