

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 and other  
connected matters

-Vs-

The State of Meghalaya & Ors.

PRESENT

- : **Hon'ble Mr. Justice B. D. Agarwal,**  
(through VC)  
Former Judge, Gauhati High Court, Guwahati
- : **Shri D. P. Wahlang, IFS**  
(through VC)  
Principal Secretary to the Govt of Meghalaya,  
Forest & Environment Department, Shillong  
Email id: dwahlang@yahoo.com
- : **Prof. Shri S. C. Bhowmik,**  
(through VC)  
Member, NGT Committee, Meghalaya,  
Indian School of Mines,  
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, 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 D. D. Sangma. MCs**  
Director, Directorate of Mineral Resources,  
Govt. of Meghalaya, Shillong.  
Email id: daviddandali@gmail.com
- : **Shri P. Ch. Marak,**  
Mining Engineer,  
Directorate of Mineral Resources,  
Govt. of Meghalaya, Shillong.
- : **Shri R. Nongtdu**  
Project Assistant,  
Directorate of Mineral Resources,  
Govt. of Meghalaya, Shillong.  
Email id: riodymetre94@gmail.com
- : **Shri Y. Kyndiah**  
Mining Officer  
Directorate of Mineral Resources,  
Govt. of Meghalaya, Shillong.  
Email id: yohankyn@gmail.com
- : **Deputy Commissioner,**  
(through VC)  
South Garo Hills, Baghmara, Meghalaya.  
Email id: baghmara@nic.in
- : **Deputy Commissioner,**  
(through VC)  
South West Khasi Hills,  
Mawkyrwat, Meghalaya.  
Email id: carakharkongor@gmail.com,  
dc-swkh-meg@gov.in
- : **Superintendent of Police,**  
(through VC)  
South Garo Hills, Baghmara  
Email id: sp.sgh-meg@gov.in

*Handwritten signature*

**Record of Ninth 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 10<sup>th</sup> December, 2020 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 consider the complaints received by the Chairman, National Green Tribunal Committee, Meghalaya in relation to seizure of unclaimed coal.

**PROCEEDINGS**

**AGENDA NO. 1**

The Committee has received as many as four complaints alleging fictitious auction of coal at different places. One complaint has been received from United A-Chik Youth Federation dated 07.12.2020 alleging that though no coal existed on the road side the Deputy Commissioner, South West Khasi Hills District has auctioned the coal. The other set of complaints have been filed by three different individuals on 07.12.2020 alleging that the Deputy Commissioner, South Garo Hills has auctioned 40,610.715 MT of coal from different locations, though the quantity of coal was not available at the site.

The Committee has considered the complaints and has also taken the preliminary views of the concerned Deputy Commissioners as well as that of Dr. Manjunatha C, IFS, Secretary to the Government of Meghalaya, Mining & Geology Department.

With regard to the allegations made against the auction of coal in the South Garo Hills District, the Deputy Commissioner informed the Committee that the coal has been auctioned as per the order of the Hon'ble Meghalaya High Court in Writ Petitions (C) No. 10 of 2020, 41 of 2020, 54 of 2020 and 60 of 2020. Pursuant to those orders, the coal was auctioned and lifting orders have already been issued and major part of the coal has also been lifted by the successful bidder. In view of this statement of the Deputy Commissioner the Committee is not inclined to pursue the matter any further against the alleged illegal auction of 40,610.715 MT of coal in South Garo Hills.



Coming to the allegation of the United A-Chik Youth Federation, the Deputy Commissioner informed the Committee that unclaimed coal of 53,224 MT coal was noticed by the PWD Engineer in the process of construction of two lane road from Lailad (Borsora) to Nongjri, and the distance of the road was 25 kms.

The admitted fact is that the Hon'ble National Green Tribunal has banned rat hole mining in the entire State of Meghalaya since 17.04.2014. When the ban was challenged before the Hon'ble Supreme Court the State of Meghalaya submitted that 32,56,715 MT of coal is lying extracted. While deciding various legal issues the Hon'ble Supreme Court has held that the owners of the coal are entitled to the sale proceeds of the said coal and has allowed the Government to auction the coal with the involvement of Coal India Ltd. As per the directions of the Hon'ble NGT and the Hon'ble Supreme Court the GoMeghalaya has prepared a Comprehensive Plan for auction of the extracted coal of 32,56,715 MT in consultation with this Committee. The aforesaid coal has to be disposed of by way of auction to be conducted by MSTC. In the first phase, the Committee has allowed the Government to auction 2 lakhs MT of coal. This decision was taken on 12.03.2020. However, till date the first phase of auction has not yet been carried out. On the other hand the Govt. is regularly auctioning coal allegedly recovered from different sources.

Coming to the present complaint, the Secretary to the Government of Meghalaya, Mining & Geology Department submitted that this Committee has no jurisdiction to make any inquiry as to how the incidentally extracted coal on account of hill cutting in the process of widening the road was auctioned as it is not a part of 32,56,715 MT coal, taken into cognizance by the Hon'ble Supreme Court.

In our opinion, the Committee cannot thoroughly brush aside the allegation that the quantity of coal that was incidentally extracted from the edge of the hills and subsequently auctioned did not exist at all. The allegation hints at sale of already extracted coal in the garb of incidental recovery. Only for this limited purpose, the Committee requests its Member Dr. Shantanu Dutta, Additional Director of CPCB to visit the site and ascertain as to whether 53,224 MT of coal can be extracted/available while cutting the road side hill for a stretch of 25 kms. The Mining & Geology Department is allowed to depute one officer along with the Member of this Committee during site inspection. The Deputy Commissioner, South West Khasi Hills District shall also direct the concerned Assistant Executive Engineer (PWD), who had communicated on the matter to the Deputy Commissioner



regarding the availability of coal to assist the Member of the Committee during site inspection. The Member is requested to submit his report within a period of two weeks from today.

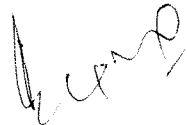
The Deputy Commissioner, South West Khasi Hills District as well as the Secretary to the Government of Meghalaya, Mining & Geology Department are also directed to submit their written reply to the allegations of the Association within a period of two weeks.

In addition to the reply of the complaint, the Deputy Commissioner, South West Khasi Hills District as well as the Secretary to the Government of Meghalaya, Mining & Geology Department are also directed to submit as to what procedure adopted by them for auctioning the coal.

The complaint also brought to our notice that there are certain anomalies in the auction in as much as the department is not realizing certain statutory levies and also the MRPR Fund contribution from the successful bidders. Hence, the Secretary to the Government of Meghalaya, Mining & Geology Department is further directed to submit a detail reply as to what procedure is adopted in auctioning unclaimed/incidentally recovered coal in different districts for the period January, 2019 till date, along with auction notices, bidding details, sale orders and other documents. The Secretary to the Government of Meghalaya, Mining & Geology Department shall also clarify as to why GST compensation @ Rs. 400 per MT, GST @ 5% and also the MEPR Fund contribution @ Rs. 400 per MT is also not being collected from the successful bidders.

The matter will again be considered in the next Sitting of the Committee to be held on 8<sup>th</sup> January, 2020.

The meeting ended with vote of thanks from the Chair.



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

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