

Item No. 02

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 817/2022

Sandal Parveen

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 16.11.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Abhishek Kumar Chaubey, Advocate

**ORDER**

1. Grievance in this application is against violation of environmental norms by dumping of approximately 10 million tons of coal in 35 bighas area in the vicinity of residential area at Krishnashila Railway siding, Bina, Shaktinagar, District Sonbhadra, UP., which is the land of the Northern Coal Field Limited. Coal has been dumped without any permission and is accumulated through illegal transportation from coal fields. The same is resulting in damage to the water bodies, contamination of ground water and air pollution. It is causing pollution by acidic water emanating from such depots as well as due to gradual and continuous burning of coal at above mentioned depots. They discharge harmful effluents directly into the atmosphere creating serious degradation of air quality in the area. Emission of fine particulates

increase due to storage of illegal coal as well as spontaneous coal combustion related harmful gases like SO<sub>2</sub> CO<sub>2</sub> and others, creating serious health issues to the local residents of the area. Illegal coal dumping/operating coal depot in open place without adopting due procedure causes havoc and serious degradation of environment both water and air pollution hence contrary to the provisions of Environmental Protection Act 1986, Water (Prevention and Control) Act, 1974 and Air Prevention and Control of Pollution Act, 1981. The Coal Mines Regulation 1957, Hazardous Waste (Management and Handling and Transboundary Movement) Rules, 2008 and Standard Operating Procedures/Guidelines as prescribed by the CPCB.

2. It is further stated that the area is part of critically polluted industrial area as per CEPI Index which is on account of operation thermal power stations, aluminum industries, chemical industries, mining industrial, cement plants and stone pressures. The area is also occupied by accumulated fly ash in the vicinity of Rihand Reservoir by NTPC Ltd., UPRVUNL, M/s Lanco Power and M/s Hindalco Industries Ltd. U.P. Disposal of ash flurry as well as Rihand Reservoir leads to silting of the Rihand Reservoir as well as contaminate the water of the Rihand Reservoir which is the only source of drinking water in the area. Due to discharge of mercury bearing brine sludge directly into the Rihand Reservoir through various streams /water bodies in past by M/s Aditya Birla Chemicals Ltd. (formerly M/s Kanoria Chemicals Ltd. U.P.), the water of the Rihand Reservoir is severely polluted. Northern Coal fields Limited and its subsidiary coal fields discharge highly contaminated water through various seems /sewages /nalas which flows directly into Rihand Reservoir containing harmful effluents. at Krishnashila Railway Station

3. The applicants have relied upon media reports in support of their case and earlier orders of this Tribunal dated 25.08.2014 in *O.A. No. 276/2013, Ashwani Kumar Dubey vs. UOI & Ors.* and subsequent orders in the said and other related matters.

4. We have considered the issue. There is no doubt that there is serious degradation of environment in Sonbhadra District of UP and Singrauli District of MP due to operation of thermal power station. The issue of fly ash disposal in the area was last dealt with by this Tribunal vide order dated 18.01.2022 in *O.A. 164/2018, Ashwani Kumar Dubey v. UOI & Ors.* The Tribunal considered the factual reports of fact findings Committees, which included statutory regulators to the effect that legacy ash dumped in the area till 31.03.2022 was to the extent of 16.17 Crores tons. Various environmental issues were identified. Apart from compensation for the past violations, directions were issued for remedial action.

5. In above background, grievance in this application needs to be looked into. The violators named in the array of parties in the application are Northern Coalfield Limited operating in Sonbhadra District and East Central Railways.

6. Before passing any further effective order in the matter, we find it necessary to verify the factual position by constituting a fact-finding Committee to be headed by Regional Officer (Chief Conservator of Forest), MoEF&CC, Lucknow, Member Secretary of UP State PCB and District Magistrate, Sonbhadra. The Member Secretary, UP State PCB will be the nodal agency for coordination and compliance. The meeting of the Committee may be convened within two weeks. The Committee may undertake visit to the site and interact with the stake

holders, including the applicant. The Committee will be at liberty to take assistance from any other institution/experts. Except for site visit, it will be open to the committee to conduct other proceedings online. A factual and action taken report in the matter may be furnished within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

7. On ascertaining facts, the Committee may put the identified violators to notice of these proceedings and furnish a copy of the report to them simultaneously with the filing of report before this Tribunal to enable them to give their response, if any, within one month of the report but before the next date of hearing before the Tribunal by e-mail in same manner as in above direction. It is made clear that if identified violators fail to take remedial action, their accountability may be fixed by the Tribunal, apart from liability for past violations.

List for further consideration 20.02.2023.

A copy of this order be forwarded to the Regional Officer (Chief Conservator of Forest), MoEF&CC, Lucknow, Member Secretary, UP State PCB and District Magistrate, Sonbhadra, Northern Coalfield Limited Sonbhadra and General Manager, East Central Railways by email. The applicant may serve a set of papers on the said authorities and file affidavit of service within one week.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

November 16, 2022  
O.A. No. 817/2022  
A