

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 61/2019/EZ

(I.A. No. 47/2019)

Tripurari Singh

Applicant

Versus

Ministry of Railways, Govt. of India & Ors.

Respondent(s)

Date of hearing: 06.01.2021

**CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s): Mr. Satya Prakash, Advocate

For Respondent(s): Mr. Anuran Samanta, Advocate for
Respondent No. 1.

Mrs. Aishwarya Rajyashree, Advocate for
Respondents No. 2, 6 & 7.

Mr. Surendra Kumar, Advocate for
Respondent No. 3 & for CPCB.

Mr. Uttam Kumar Mondal, Advocate for
Respondents No. 4 & 5.

ORDER

1. This case has been filed by the Applicant being aggrieved by the illegal transportation of coal and its dumping by the Respondent No. 4 in violation of the pollution norms through villages Katkamag, Baanadag, Banka, Sultana, Sadampur, Hathamedi and Mayatu in the Hazaribagh district of Jharkhand. It is alleged that such activities

have adversely affected the river and ponds in the area and about 8.5 acres of forest land has been encroached upon by the Railways and NTPC for construction of railway dockyard and is being used illegally for dumping of coal and transportation. Because of such activity of the Respondents No. 4 and 5, health of the inhabitants of the villagers has been adversely affected who have become victims of various kinds of diseases. It is stated that objections of the villagers raised from time to time have been ignored by the authorities.

2. In order to ascertain the factual aspects and to verify on the correctness of the various allegations contained in the application, a Committee was constituted comprising of (i) the Central Pollution Control Board (CPCB); (ii) the Jharkhand Pollution Control Board (State PCB) and, (iii) the District Magistrate, Hazaribag, Jaharkhand. The Committee was directed to jointly visit the area in question, inspect the railway yard owned by the Respondent No. 4 and to submit a report.
3. The State PCB which is the nodal agency has submitted its report on behalf of the Committee which is taken on

record today. The observations and recommendation of the Committee in the report are as follows:

“5.0 Overall Observation:

- 5.1 Banadag Railway Siding is being operated by M/s Indian Railway with valid Consent to Operate and not by NTPC Ltd.**
- 5.2 M/s NTPC Ltd. is operating its Pakri Barwadih Coal Mine with valid Consent of Operate.**
- 5.3 M/s NTPC Ltd. has outsourced the coal transport. No coal transport was going on during the inspection however coal is transported by covered trucks through dedicated road passing through conveyor corridor and forest.**
- 5.4 Only part public road is used by empty trucks. No coal transport trucks of M/s NTPC area passing through the habitation of village mentioned in the OA.**
- 5.5 “Gonda Dam” is more than 2.5 km away from the Banadag Railway Siding and there is no impact on it due to Banadag Railway Siding. No River is found namely “Gonda” in the nearby area of Banadag Railway Siding.**
- 5.6 No forest land is encroached for construction of Banadag Railway Siding. However, MoEF&CC have accorded Forest Clearance for diversion of 6.291 Ha of forest land in favour of M/s NTPC Ltd. for construction of Railway Siding at Banadag.**
- 5.7 Action being taken for pollution prevention at Banadag Railway Siding viz installation of high capacity fixed Rain guns, installation of wind screens over and above boundary wall, installation of Effluent Treatment Plant.**
- 5.8 No pollution and adverse impact was observed on the crops of nearby agriculture fields. Some of photographs of**

crops around Railway Siding is enclosed as Annexure-XVI.

- 5.9 *Green belts being developed along the boundary wall of the railway siding however more nos. Of trees are required to be planted for creation of fence between siding and agriculture fields.***
- 5.10 *The ambient air quality is well within the stipulated norms. Maximum concentration of PM₁₀ was 80.6µg/m³ against the norms of 100µg/m³.***
- 5.11 *It is to be submitted that in similar complain in the matter of Mr. Rajeswar Prasad Raja Vs. State of Jharkhand (O.A. No. 284/2019) joint inspection report was submitted with specific recommendation to prevent overloading and spillage and to improve the transportation system.***
- 5.12 *The process of road construction from Oderna to TP-6 is on the way. Necessary documentation has been finalised.***
- 5.13 *There is no habitation between Oderna to TP-6 road.***
- 5.14 *Fataha to Banadag Road is under construction, approx. 80 percent of road patch is completed. There are two villages in between Fataha and Banadag road.***
- 5.15 *With completion of these two roads, pollution will be minimized. There is no hindrance of the public in these roads.***
- 5.16 *With completion of Oderna to TP-6 road there will be no hindrance in village road as there is no house in the stretch of this 1.5 km and from there to Banadag, there is no house hold.***

6.0 *Recommendations:*

In view of the observation made by the committee constituted by the Hon'ble NGT, in the above said matter, the competent authority may issue necessary direction (if needed and deemed fit) to ensure the following:

6.1 In the similar complain in the matter of Sri Rajeswar Prasad Raja Vs. State of Jharkhand, (OA No. 284/2019), the case was disposed off and the directions to prevent overloading and spillage and improve the transportation systems were complied satisfactorily by NTPC Ltd. and others.

6.2 All the railway siding involved in loading and unloading of the materials which are prone to generate fugitive dust emissions, should install fixed type water sprinklers for effective dust suppression, should install settling pond of suitable capacity with chemical dosing system for treatment of the runoff water, should construct the wind breaking wall of 20 feet high to prevent the dusts to spread and should do tree plantation along the boundary wall.

6.3 NTPC should complete the construction of the coal conveyor system at the earliest so as the coal transportation by road could be avoided.”

4. In view of the above, nothing further would survive for consideration in this case except to direct the respondents to ensure that the recommendations made by the Committee are strictly complied with. The State PCB shall ensure that the fugitive dust generated are not dispersed indiscriminately and take the measures as recommended in paragraph 6.2 of the report. Further, construction of the conveyor belt shall be completed expeditiously but not later than three months from hence.

5. With the above directions, the O.A. stands disposed off along with I.A.
6. No order as to costs.

S.P. Wangdi, JM

Saibal Dasgupta, EM

6th January, 2021
O.A. No. 61/2019/EZ
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