

ITEM NO.51

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A. NO. 40667 of 2018 in Civil Appeal No(s). 5272/2016

KA HIMA NONGSTOIN LAND OWNERS,
COAL TRADERS AND PRODUCERS ASSOCIATION

Appellant(s)

VERSUS

ALL DIMASA STUDENTS UNION,
DIMA HASAO DISTRICT COMMITTEE & ORS.

Respondent(s)

Date : 28-03-2018 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHANFor Appellant(s) Mr. H.S. Thangkhiew, SR. Adv.
Mr. Phileman N., Adv.
Mr. Ahanthem Henry, Adv.
Mr. A. Rohan Singh, Adv.
Mr. Vivek Kumar, Adv.
Dr. Kailash Chand, AORFor Respondent(s) Mr. Prithvi Pal, AOR

Mr. Yoginder Handoo, AOR
Mr. Nishant Kumar, Adv.

Mr. Shaurya Sahay, Adv.
Mr. Avijit Mani Tripathi, Adv.
Mr. Amit Kumar, AOR

Mr. Avijit Roy, AOR

Mr. Satish Kumar, AOR

Mr. Sanjai Kumar Pathak, Adv.
Ms. Purna Kumari, Adv.
Mr. Gurmeet Singh Makker, AOR

Mr. Saurabh Sharma, Adv.

Mr. Ranjan Mukherjee, Adv.

UPON hearing the counsel the Court made the following

O R D E R

On 21.09.2016 this Court has passed the following order:

"Having heard counsel for the parties, it is directed that the petitioners, as well as the respondents, who have mined the coal, are permitted to transport the coal on payment of royalty and other fees as fixed by the National Green Tribunal (for short, 'the tribunal') and other relevant status. The extracted coal can be transported from 1st October, 2016 till 31st May, 2017. It is further directed that no other extraction shall take place in the meantime.

The finding of the tribunal that the coal is vested in the State on the ground that it is illegally extracted coal, shall be adverted to at the time of final hearing. The miners shall keep the accounts and if, ultimately, it is held that the coal belongs to the State, they will refund the amount with interest. The quantum of interest shall be determined at the time of final hearing. Needless to say, these observations have been made without prejudice to the contentions to be raised by the learned counsel for the parties. The tribunal can proceed with regard to the other aspects which are pending before it."

It is clear from the aforesaid order that though the petitioner as well as the respondents were permitted to transport the coal, already mined, on payment of royalty and other fee as fixed by the National Green Tribunal, it was very categorically directed that no further extraction of coal shall be allowed.

The State of Meghalaya has filed the instant application wherein it is stated that approximately 5.00 lakhs MT of coal is still lying on various places and time up to 31st May, 2018 be granted to transport the aforesaid coal. It is also stated that the authorities are not allowing any illegal extraction of the coal.

Having regard to the averments made in the said application, we extend the time for transportation of the extracted quantity of approximately 5.00 lakhs MT lying in various places in the State of Meghalaya, upto 31.05.2018 in the same terms and conditions as contained in the order dated 21.09.2016. All attempts be made to

transport the entire left over quantity during this period. It is also made clear that no extraction of the coal shall be allowed by anyone and the authorities shall ensure that this order is strictly complied with. It shall also be ensured that while transporting the aforesaid quantity of coal, it shall not lead to creation of any type of pollution.

Interlocutory Application is disposed of.

(ASHWANI THAKUR)
COURT MASTER (SH)

(MALA KUMARI SHARMA)
COURT MASTER