

**BEFORE THE NATIONAL GREEN TRIBUNAL,
Circuit Bench at High Court of Meghalaya,
Shillong**

Original Application No. 110(T_{HC}) of 2012

**Threat to Life Arising Out of Coal Mining in South Garo Hills District
Vs.
State of Meghalaya &Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Present: **Applicant:** **Mr. Raj Panjwani, Sr. Advocate along with
Mr. Aagney Sail, Advocate and Ms. A. Paul, Adv.**
Respondent No. 1: **Mr. Ranjan Mukherjee, Advocate and Ms. Aprajita
Mukherjee, Advocate along with Sh. R. P. Marak,
Director of Mineral Resources, Sh. C.K. Marak, Dy.
Secy. Mining & Geology, Meghalaya Govt.**
Respondent No. 1A: **Ms. P. Batra Singh, Adv.**
Respondent No. 2: **Mr. Ram Abhilash, Dy. Director of Mines & Safety**
Respondent No. 3: **Mr. S.C. Shyam, Sr. Adv.**
Respondent No. 4&5: **Mr. Saurabh Sharma, Adv.**
Respondent No. 6 **: Smti Purabi Sharma, Adv.**
Respondent No. 7 **: Mr. Tayenjam Momo Singh, Adv.**

Date and Remarks	Orders of the Tribunal
Item No. 1 June 9, 2014	<p>In furtherance to our order dated 04.04.2014, affidavits on behalf of the State of Meghalaya, Meghalaya State Pollution Control Board and the Central Pollution Control Board have been filed. Liberty is granted to the Applicant (Amicus Curiae) to file rejoinder, if any.</p> <p>Copies of all affidavits filed to be supplied to the learned Counsel appearing for the Respondent No. 4 and 5 respectively. Liberty is also granted to him to file counter affidavits, if any.</p> <p>In view of the divergent views put forward by the respective parties in relation to the incident of death of number of persons in the mines as well as the other attendant circumstances, it is necessary that the correct facts be brought before the Tribunal to enable it to decide the matter fully and finally.</p> <p>It is also brought to our notice that a case under Section 304A and 201 of the Indian Penal Code had been registered against Respondents no.4 and 5, however, the charge-sheet is yet to be filed despite the fact that almost two years have lapsed.</p> <p>It is not for the Tribunal to deal with this facet of the case, yet, we cannot but help to observe that such inordinate delay in filing the charge sheet deviates from the responsibility of expeditious disposal of</p>

criminal matters.

We have observed that we are not satisfied with the affidavits filed by some of the respondents before us. The award of compensation, issuance of directions for restoration of the environment, ecology and ensuring that mining is carried on in accordance with law, without causing degradation of the environment, are the matters that squarely fall within the jurisdictional domain of this Tribunal.

We are also dissatisfied with the affidavits filed by the Respondent No. 4 and 5 and the very stand having been taken by them. The very fact that a case has been registered against the Respondent No. 4 and 5 under section 304A and 201 of the Indian Penal Code, 1860 obviously means that people had died in that incident. The State Authorities have not so far taken any unequivocal stand in that behalf.

The learned Counsel appearing for the Pollution Control Board has submitted before us that this mine was operated without any permission/consent from the Board and/or authority from any of the Government Departments. Therefore, we direct all the persons who have filed affidavits to be present before the Tribunal for their examination and cross-examination.

All the parties would be at liberty to bring their witnesses in support of their cases, if they so desire. List of witnesses to be filed within one week from today. Upon filing of such list of witnesses, let summons be given by the Registry to these witnesses to appear before the Tribunal on the next date of hearing.

We are confining the matter only with regard to the questions which are substantially relatable to environment and the scheduled acts of the National Green Tribunal Act, 2010. Furthermore, the compensation payable for destruction of environment, pollution of groundwater, restoration and compensation to the people who have lost their lives as a result of the inactions and breaches of law committed by the Respondent No. 4 and 5, shall be squarely within the ambit of

sections 14 and 15 of the NGT Act, 2010.

We also direct the State to file a complete affidavit in terms of our earlier order. The copies of the affidavits, reports and other documents filed by any party should be provided to all the learned Counsel appearing in this case within one week from today.

List the matter on 1st August, 2014 at Shillong, for further directions and for recording the names and oral evidence of the witnesses along with its relevancy.

.....,C.P.
(Swatanter Kumar)

.....,EM
(Ranjan Chatterjee)

