

Item No. 03

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

Original Application No. 49/2020/EZ

(I.A. No. 29/2020)

Pradip Bhuyan & Anr.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 20.07.2020

**CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER  
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s): Mr. Sanjay Upadhyay and Ms. Eisha Krishn, Advocates.

For Respondent(s): Ms. Sanchari Chakraborty and Mr. Kumarjit Banerjee, Advocates for Respondent No. 7.  
Mr. Debasish Ghosh, Advocate for Respondent No. 5.  
Ms. Papiya Banerjee Bihani, Advocate for Respondent No. 6.

**ORDER**

1. Case taken up by video conference on *Vidyo App*.
2. By filing this application, the Applicant has brought to the fore large scale illegal mining activities set to be underway in the Dehing Patkai Elephant Reserve particular in Saleki Proposed Reserve Forest, Tinsukia district, Assam, by the

Respondent No. 8, North-Eastern Coalfields (NEC), which has been operating the Tikak Open Cast Mining Project. It is stated that mining is being carried out without obtaining clearance under Section 2 of the Forest (Conservation) Act, 1980. By referring to Form A/Part I submission of proposal seeking approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 by the NEC dated 28.07.2012, it is stated that the NEC had applied for renewal of the mining leases under the Forest (Conservation) Act, 1980 in the year 2003 but had admittedly not been received. Application was thus resubmitted for fresh proposal for prior approval under Section 2 of the Forest (Conservation) Act, 1980 for period between 2003-2023 for a period of 20 years including ex-post facto approval for the period between 2003-2012. The further contention is that even when the application for the clearance had been pending and no such clearance had been granted, the respondent NEC had been continuing with the mining in the area.

3. According to the Applicant, Office Order dated 03.06.2020 of the NEC substantiate the fact that illegal mining had been continuing in the area, although the Margherita

Coalfield was suspended temporarily w.e.f. 03.06.2020. The Office Order also clearly sets out the fact that disposal of the existing coal stock would have to continue till it was exhausted which would mean that the NEC was also disposing off of the illegally mined coal.

4. Upon hearing the learned Counsel for the Applicant and on perusal of the application as well as the documents appended thereto, we are satisfied that substantial question relating to environment has been raised in this case.
5. Issue notice returnable in thirty days.
6. The Applicant to furnish requisites within one week from hence.
7. However, in view of the prevalent situation caused by the pandemic, the Applicant is at liberty to serve notice by e-mail apart from the formal notice.
8. In order to appreciate the factual situation and to verify the statements contained in the O.A., we deem it essential to constitute a Committee comprising of (i) the CPCB; (ii) State Pollution Control Board; (iii) the State Environment Impact Assessment Authority (SEIAA), Assam; (iv) the PCCF (HoFF),

Assam and, (vi) an expert from the IIT, Guwahati. The Committee shall visit the spot and verify on the factual aspects set out by the application and submit a report.

The State PCB shall be the nodal agency for coordination and for providing logistic support.

9. In the event there are infractions as alleged, appropriate action in accordance with law be instituted for taking remedial measures.
10. Let an action taken report in terms of the above directions be filed before the next date.
11. The Applicant shall furnish a complete set of papers and copy of this order to each of the Members of the Committee for convenient transaction of the exercise within a period of one week from hence.
12. List on 10.09.2020.

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

20<sup>th</sup> July, 2020  
O.A. No. 49/2020/EZ  
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