

Item No.05

(Kolkata Bench)

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

(By Video Conferencing)

Original Application No.61/2020 (EZ)

SMTI. Agnes Kharshing

Applicant

Versus

State of Meghalaya

Respondent(s)

Date of hearing: 17.03.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Mr. Olivia Bang, Advocate

ORDER

1. Grievance in this application is against the illegal mining of coal by cement companies respondent Nos. 13 to 22, Adhunik Cement Limited (ACL), Amri Cement Industries Ltd. (ACIL), Cement Manufacturing Company Limited (CMCL), Green Valley Industries Limited (GVIL), Goldstone Cements Limited (GCL), Hills Cements Company Limited (HCCL), Jud Cements Limited (JUDCL), Meghalaya Cements Limited (MCL), Cosmos Cements Limited (CCL) and RBN Cements Pvt. Ltd. at East Jaintia Hills District, Meghalaya, respectively.

2. Case set out in the application is that the cement plants in question are undertaking mining causing pollution to Lukha and Lunar Rivers resulting death of fishes therein. The applicants have relied upon a copy of investigation report on contamination of Lukha River submitted by the Meghalaya State PCB dated June, 2007. It is stated that the

activities noticed in the said report are still continuing in violation of judgement of the Hon'ble Supreme Court *Deepak Kumar v. State of Haryana*¹.

3. According to the applicants, mining is in forest and eco-sensitive areas in violation of *T.N. Godavarman v. UOI & Ors.*² and *T.N. Godavarman Thirumulpad v. UOI & Ors.*³. Further reference has been made to the letters dated 05.03.2012 from the office of the Divisional Forest Officer, Jaintia Hills Territorial Division, Jowai, Government of Meghalaya and letter no. MGF 16/7/15661 dated 25.01.2013 from office the office of the Principal Chief Conservator of Forest (T), Meghalaya and minutes of the meeting held on 05.10.2012 to deliberate on the report of the joint inspection.

4. Reference has also been made to the 4th, 05th and 06th interim report dated 31.08.2019, 02.12.2019 and 03.12.2019 submitted to this Tribunal in *O.A. No. 110/2012(THC)/2012, Threat to life arising out of coal mining in south garo hills district v. State of Meghalaya & Ors.* The said matter has been disposed of vide order 15.3.2021 by requiring a joint Committee of 12 members, headed by Additional Secretary MoEF&CC and having all relevant concerned authorities as members, to take remedial measures to prevent illegal coal mining, considering the reports of the Committee constituted by this Tribunal and orders passed the Hon'ble Supreme Court and this Tribunal.

5. In view of order dated 15.3.2021 in above matter, this matter can also be duly considered by the said Committee. Accordingly, we direct

¹ (2012) 4 SCC 629

² (1997) 2 SCC 267

³ (2008) 16 SCC 337

the said Committee to look into the grievance in the present matter and take appropriate action in accordance with law.

The applicant is at liberty to furnish a copy of the application, with any further material to the Member Secretary of the said Committee i.e. the Regional Officer, MoEF&CC, Shillong, by e-mail for appropriate remedial action after looking into the matter.

The application is disposed of.

A copy of this order be forwarded to the Member Secretary of the said Committee i.e. the Regional Officer, MoEF&CC, Shillong, by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 17, 2021
Original Application No.61/2020 (EZ)
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