

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

**M. A. NO. 824 of 2014 IN Original Application No. 73 of 2014
And**

**M. A. NO. 814 of 2014 And M. A. NO. 816 of 2014
In**

Original Application No. 73 of 2014

**All Dimasa Students Union Dima Hasao Dist. Committee
Vs.
State of Meghalaya & Ors.**

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present: Applicant: Mr. Pragyan Sharma and Mr. Heshu Kayira, Advocates
Mr. P. Goswami, Advocate
Respondent No. 1 : Mr. Ranjan Mukherjee and Mr. Aprajita Mukherjee, Advocates for State of Meghalaya
Respondent No.2: Mr. Tayenjam Momo Singh, Adv.
Respondent No. 10 : Mr. H.S. Thangkhiew, Sr. Adv. with Mr. Philemon Nongbri, Advocate
Respondent No. 14 : Mr. H.S. Thangkhiew, Sr. Adv. with Mr. Anil Kumar Mishra, Advocate
Mr. Panchajanya Batra Singh, Adv. MoEF & CC
Mr. B.V. Niren and Mr. Prasoush Jain, Advocate

Present: Applicant: Mr. Raj Panjwani, Sr. Adv. (Amicus Curiae) with Mr. Aagney Sail, Adv.
Mr. Ranjan Mukherjee, Mr. Aprajita Mukherjee, Advocates for State of Meghalaya.
Mr. Parthiv Goswami
Respondent No.2: Mr. Tayenjam Momo Singh, Adv.
Respondent No.5: Ms. Panchajanya Batra Singh, Adv. for MoEF
Respondent No. 11 : Mr. Pragyan Sharma and Mr. Iteshi Kayina
Mr. B.V. Niren and Mr. Prasuwk Jain, Advs. for Ministry of Coal(UOI)

	Date and Remarks	Orders of the Tribunal
	Item No. 01 & 02, December 02, 2014 SN	<p style="text-align: center;"><u>M.A. No. 814 of 2014</u></p> <p>This is an Application filed on behalf of the State of Meghalaya praying that the two points where the Committee constituted by the Tribunal has directed installation of weigh bridges for the purposes of weighing extracted coal in transportation be shifted to some other points of exit to Assam. According to them the points suggested by the State Government are more</p>

convenient being more closer to the border of the State, and as such they can be made operational immediately. On these premises it is submitted that the exit point at Umkiang be shifted to Ratachera and the exit point at Athiabari be shifted to Mawpun. None of Learned Counsel appearing before us have any objection to the change as suggested by the State. We, therefore, dispose of this Application with the direction to the Committee to examine the matter and if it finds that Order of the Tribunal can be more effectively implemented by change of the above exit points for checking/weighing, the Committee may permit them to ensure proper and smooth implementation. However, the Committee will not permit any weighing bridge to be controlled and regulated by private party. It shall keep in mind that every weighing bridge at exit points shall be State owned, maintained and regulated weigh bridge. Every weigh bridge shall be put online at the earliest.

With this direction, M.A. No. 814 is accordingly disposed of.

M.A. No. 815 of 2014

This is an Application for impleadment on behalf of Joba A. Sangma, the miner, trader and exporter of South Garo Hills district of State of Meghalaya. The averments made in the Application are not admitted by Learned Counsel appearing for the non-Applicants. However, there is no opposition to this Application. Consequently, the Applicant is permitted to be impleaded as a party in the main Application subject to

just exception. Consequently, M.A. No. 815 of 2014 is accordingly disposed of.

The amended memo of parties be filed within one week from today.

M.A. No. 816 of 2014 and M.A. No. 824 of 2014

These are the Applications filed for a direction to the Authority concerned to permit transportation of already extracted coal through volumetric method. The prayer in these Applications is misconceived and goes against the very spirit of the Orders passed by the Tribunal from time to time and the recommendation made by the Expert Committee. Resultantly, these Applications are dismissed. However, one of the common grievance raised by the Learned Counsel appearing before us is that the weigh bridges at number of points are not ready in terms of the Order of the Tribunal and recommendation of the Committee. We direct the State Government to ensure that the weigh bridges as per the Order of the Tribunal and recommendation of the Expert Committee are installed within four weeks from today. We make it clear that the Chief Secretary of the State of Meghalaya shall be personally responsible for carrying out this Order. Thus, M.A. No. 816 of 2014 and M.A. No. 824 of 2014 are accordingly disposed of.

The Learned Counsel appearing for the State submits that the mine owners have not even paid the first instalment in terms of the Order of the Tribunal dated 12th November, 2014. This is not admitted by

the Learned Counsel appearing for the parties. In light of this, we hereby direct all the mine owners to pay the royalty in terms of our Order dated 12th November, 2014 immediately. The royalty shall be paid by bank draft submitted to the Secretary of Mines. In the event the royalty is not paid as per the direction of this Tribunal, the mine owner will not have right to transport any extracted coal even if they pay subsequently the royalty without the specific Orders of the Tribunal. We make it clear that any such Application filed before us would be considered on its own merits and we will be compelled to impose special cost while considering such Applications.

The Committee constituted by the National Green Tribunal is directed to furnish the complete data to the Government to enable the miners of South Garo Hills or any other place to pay the royalty.

M.A. No. 833 of 2014

The contentions of the Application are not admitted by any party.

The Application is allowed subject to just exception. The Applicant is permitted to be impleaded as a party in the main Application. Thus M.A. No. 833 of 2014 is accordingly disposed of.

M.A. No. 834 of 2014

In view of the above Order passed, M.A. No. 834 of 2014 does not survive for consideration and is accordingly disposed of.

We make it clear that no transportation will be permitted to the points where weigh bridges have not been installed and royalty is paid in accordance with our Order.

.....,CP
(Swatanter Kumar)

.....,JM
(U.D. Salvi)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Ranjan Chatterjee)

