

(2024) 02 MEG CK 0024

Meghalaya High Court At Shillong

Case No: Public Interest Litigation No. 2 Of 2022

In Re: (Sou Motu): Illegal Mining

Of Coal In The State Of

Meghalaya Vs

Vs

APPELLANT

RESPONDENT

Date of Decision: Feb. 9, 2024

Hon'ble Judges: H.S. Thangkhiew, J; W. Diengdoh, J

Bench: Division Bench

Advocate: A. Kumar, R. Colney, Dr. N. Mozika, S. Rumthao, M.Z. Ahmed, B. Dutta, A.M. Dutta

Judgement

H.S. Thangkhiew, J

1. An updated status report and reply to the 19th interim report of Hon'ble Mr. Justice (Retd) B.P. Katakey, have been filed by the State respondents. The status report has provided information regarding to the transportation of remaining re-inventoried coal in various Districts from the pitheads, to the designated depots of Coal India Ltd. It has been indicated in the report as to the amounts of coal in the various Districts which are yet to be transported, and transit passes issued. In respect of the Districts namely; South Garo Hills District, West Khasi Hills District, South West Khasi Hills, it appears that the process of issuance of transit passes and transportation of the entire remaining re-inventoried coal from the pitheads to the depots will be completed by end of February, 2024.

2. A point of concern is however, with regard to the status report of East Jaintia Hills District, wherein it has been indicated that out of the total quantity of 10,04,587.502 MT of re-inventoried coal, approximately of which for over 8.54 MT of coal, transit passes have been issued for transportation from the pitheads to the Coal India Limited designated depots; for the remaining quantity approximately 1.5 Lakh MT, transit passes are yet to be issued, in spite of availability of space in the depots in the District, for the reason that the coal owners are not approaching the office of

the Deputy Commissioner for applying for the transit passes, in spite of public notices which have been issued.

3. In this view of the matter, to expedite the auction of the inventorised coal, it is directed that the remaining coal of 1.5 MT should be transported to the designated depots within this month itself, failing which the coal will be seized and taken into custody by the State Government and auctioned off within 1(one) month thereafter, by the Coal India Limited. The sale proceeds of such seized coal, shall be entirely deposited into the Government fund, after payment to the Coal India Limited for the auction, and levy as applicable to the Meghalaya Environmental Protection and Restoration Fund (MEPRF). To this effect, public notices shall also be published by the concerned authorities, and the information widely circulated immediately.

4. It has also been set out in the status report that other compliances are underway with regard to the processing of the applications for scientific coal mining in the State, the closure of existing coalmine pits, the setting up of integrated check gates with mineral tracking and as also the status of audit of source of coal used by the coke oven plants/ferro alloy plants and cement plants.

5. A 20th interim report has also been filed by the Hon'ble Mr. Justice (Retired) B.P. Katakey, wherein certain recommendations and observations have been made. A copy of the same to be made available from the Registry to all the concerned parties appearing in the matter and for the State Respondents to furnish a Status Report by the next date.

6. List this matter on 14.03.2024.