

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

Original Application No. 104/2018  
(M.A. No. 279/2018 & M.A. No. 858/2018)

IN THE MATTER OF:

Shivpal Bhagat & Ors.

Vs.

Union of India & Ors.

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

**Present:** Applicant: Mr. Ritwick Dutta, Mr. Saurabh Sharma, Mr. Utkarsh Jain, Adv.  
CPCB: Mr. Rajkumar, Adv. with Mr. Nishat Ahmed, AL  
MOEF&CC: Mr. Rakesh Mahajan, Adv.  
State of Chhattisgarh: Ms. Shashi Juneja, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 01 August 23, 2018 R	<p>1. Prayers in this application are as follow:</p> <p><i>"i. Pass an order thereby directing the State of Chhattisgarh and the Chhattisgarh Environment Conservation Board to take proper steps with respected to remediation/clean up of the environment including soil, water and air in villages Kosampalli, Dongamahua, Kodkel, Kunjemura and Regaon which fall under the Tamnarblock and villages of Gharghoda block of Raigarh District.</i></p> <p><i>ii. Pass an order thereby directing the Chhattisgarh Environment Conservation Board to issue appropriate directions to industries including those referred to in Paragraph 3 that they should not cause contamination of environment including soil, water and air and ensure time-bound compliance of the same.</i></p> <p><i>iii. Pass an order thereby directing Chhattisgarh Environment Conservation Board or Central Pollution Control Board or other competent agency to do proper study about the contamination and pollution of entire Tamnarand Gharghodablocks and take proper steps for remediation/clean up.</i></p> <p><i>iv. Direct MoEF&amp;CC, State Environment Impact Assessment Authority, Chhattisgarh and Chhattisgarh Environment Conservation Board that 'No' further permission for new project or their expansion in cases of mines, Thermal Power Plant/Washery in the Tamnar and Gharghoda region until-</i></p> <p>a) A cumulative impact assessment of existing mines, Thermal Power Plants and Washeries</p>

	<p><b>Item No.</b> <b>01</b></p> <p><b>August 23,</b> <b>2018</b> <b>R</b></p>	<p><i>on the environment in the region.</i></p> <p><i>b) A cumulative impact assessment of existing mines, Thermal Power Plants and Washeries on the health in the region.</i></p> <p><i>c) Directions be passed for evaluation of human exposure and health impacts in Raigarh.</i></p> <p><i>d) An overall assessment of environment and health carrying capacity of the region in relation to the Proposed expansion and new Projects and till a time a moratorium is imposed.</i></p> <p><i>v. Pass directions that CECB should ensure that project proponents in the Tamnar and Gharghoda blocks, Raigarh District to permanently stop disposal/dischARGE of industrial waste including slag, rocks and fly ash on the land owned by the local villagers or on community land and forest land that comes under Tamnar and Gharghoda Blocks in Raigarh District, Chhattisgarh and restore the said agricultural lands and village commons land to their original state as they were before the said dumping began.</i></p> <p><i>vi. Pass directions to the CECB that no Thermal Power Plant should dump ash in mines and low lying areas for backfilling and to check leaching in these areas where fly ash has been dumped.</i></p> <p><i>vii. Direct the CECB to initiate legal action against the Project proponents for carrying out the illegal and unauthorized activities in disregard of the environmental laws and interests of the applicants herein.”</i></p> <p>2. Case of the applicant is that large number of coal mines and coal washeries are operating in District Raigarh in the State of Chhattisgarh including M/s Jindal Power Limited, M/s Jindal Power and Steel Limited, M/s TRN Energy Private Limited, M/s Mahavir Energy &amp; Coal Benefaction Limited, M/s. Hindalco Industries Limited and M/s. Monet Energy Limited, SECL.</p> <p>3. It is alleged that on account of their operation, severe contamination of air, water and land is taking place. The applicants made their own enquiry. Their</p>
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