

QUORUM

**HON'BLE MR. JUSTICE BROJENDRA PRASAD KATAKEY,
FORMER JUDGE, GAUHATI HIGH COURT, GUWAHATI**

**SHRI. S. C. BHOWMIK, PROFESSOR
REPRESENTATIVE FROM INDIAN SCHOOL OF MINES,
(IIT - ISM), DHANBAD
(Email id: bhowmik44@gmail.com)**

IN THE MATTER OF

Threat to Life Arising Out of Coal Mining in South Garo Hills District

-Vs-

**The State of Meghalaya & Ors.
And other connected matters**

PRESENT

- :** **Shri. C. P. Marak, IFS,**
Principal Secretary to the Government of Meghalaya,
Principal Chief Conservator of Forests & HoFF,
Government of Meghalaya,
Forest & Environment Department,
& Chairman, Meghalaya State Pollution Control Board
Email id: cpmarak@yahoo.com, pccfmegh@gmail.com,
memsecy.spcb-meg@gov.in
- :** **Shri. S. N. Prasad,**
Director (Marketing),
Coal India Limited
Email id: dm.cil@coalindia.in
- :** **Shri. Manjunatha C, IFS**
Secretary to the Government of Meghalaya,
Mining & Geology Department
Email id: manju2020@gmail.com
- :** **Shri. H. Nongpluh, IPS**
Additional Director General of Police
(L & O/ TAP/ SB/ Border),
Home (Police) Department,
Government of Meghalaya,
Email id: igp.tap-meg@gov.in.
- :** **Shri. H.C. Chaudhary, IFS,**
Additional Principal Chief Conservator of Forests,
(Planning, Development and Legal Matters), Government
of Meghalaya.
Email id: harishcc@yahoo.com

- : **Shri. A. Kembhavi, IAS**
Director, Directorate of Mineral Resources, Government
of Meghalaya,
Email id: arunkumar.kembhavi@gmail.com
- : **Shri. J. K. Bora,**
General Manager,
North Eastern Coalfields, Coal India Limited
Email id: gm.nec.cil@coalindia.in
- : **Smti P. L. Lawai, MCS,**
Joint Secretary to the Government of Meghalaya,
Mining & Geology Department,
Email id: paleilawai@gmail.com
- : **Shri. D. D. Shira, MCS,**
Joint Secretary to the Government of Meghalaya,
Home (Police) Department
Email id: dikkishira@gmail.com
- : **Shri. D. D. Sangma, MCS**
Joint Secretary to the Government of Meghalaya
Transport Department
Email id: daviddandali@gmail.com
- : **Shri. P. M. Sangma**
Deputy Commissioner of Transport,
Transport Department,
Government of Meghalaya.
- : **Dr. G. Sharma**
Scientist, North Eastern Space Application Centre,
Department of Space, Government of India, Umiam,
Email id: gops.geo@gmail.com
- : **Shri. R. Kumar**
Advisor
- : **Shri. A. Tripathi**
Advocate for State of Meghalaya,
Email id: avijitmani@gmail.com
- : **Shri. K. Abhishek**
Advocate for State of Meghalaya,
Email id: kumarabhishekk4@gmail.com
- : **Shri. S. Tiwari**
Coal India Limited
Email id: imsnm2.cil@coalindia.in

: **Smti. S. Pattanayak**
AM (M & S), Coal India Limited
Email id: swati.pattanayak@coalindia.in

ORDER NO. S. 3

**RECORD OF THE MINUTES OF THE THIRD SPECIAL SITTING OF THE COMMITTEE
CONSTITUTED BY THE HON'BLE NATIONAL GREEN TRIBUNAL UNDER THE
CHAIRMANSHIP OF HON'BLE MR. JUSTICE B. P. KATAKEY, FORMER JUDGE, GAUHATI HIGH
COURT HELD ON 14TH NOVEMBER, 2019 AT 10.00 A.M. IN THE CONFERENCE HALL,
SYLVAN HOUSE, OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HOFF,
LOWER LACHUMIERE, SHILLONG**

At the outset, Mr. C. P. Marak, IFS, Principal Secretary to the Government of Meghalaya, Forest & Environment Department, who is also holding the charge of the posts of the Principal Chief Conservator of Forests & HoFF, Meghalaya and Chairman, Meghalaya State Pollution Control Board welcomed the Hon'ble Chairperson & Members of the Committee, Special Invitees, Senior Officials of the Government of Meghalaya and the Coal India Limited and other Officers present in the Meeting.

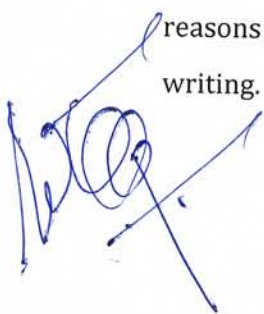
Mr. C.P. Marak informed that Dr. Shantanu Kr. Dutta, Addl. Director, North Eastern Regional Directorate of the Central Pollution Control Board, who is a member of the Committee, has sought leave of the Chairman for not attending this Sitting of the Committee as he has to attend an urgent official being held today at Gangtok. The Chairman accepts the said request.

AGENDA ITEMS FOR DISCUSSION

1. Consideration of an application dated 17.10.2019 from the Director, Directorate of Mineral Resources, Government of Meghalaya raising certain issues relating to various orders passed by the Committee from time to time.
2. Consideration of a draft comprehensive plan for transportation and handing over of the extracted coal to Coal India Limited for auction and minutes of a meeting held between the officers of the Meghalaya Government and Coal India Limited at Shillong on 04.11.2019.
3. Consideration of a scheme for sale of extracted coal in Meghalaya through Spot e - auction.
4. Any other matter (s) to be raised with permission of the Chair.

AGENDA ITEM NO. 1

1. The Director, Directorate of Mineral Resources (MDR), Government of Meghalaya, Shillong on behalf of the State of Meghalaya filed an Application before the Committee during its nineteenth Sitting held on 17.10.2019. Through the said Application, the State of Meghalaya has raised objections to certain orders passed by the Committee from time to time. The said application could not be taken up for disposal during eighteenth sitting of the Committee due to the reason that one of its Members viz. Prof. (Retd.) Ashok Kumar Singh vide an e-mail dated 11.10.2019 has expressed his inability to attend Sitzings of this Committee and had requested to relieve him from his duties as a member of this Committee.
2. The Director, Indian Institute of Technology –Indian School of Mines (IIT-ISM), Dhanbad has nominated Prof. S C. Bhowmik, Chair Professor, Department of Mining Engineering as a member of the Committee. Prof. S.C. Bhowmik is present in this Special Sitting. The said Application is therefore taken up for disposal.
3. Mr. A. Tripathi, the Learned Counsel, appearing for the State of Meghalaya, Dr. Manjunatha C, IFS, Secretary to the Government of Meghalaya, Mining & Geology Department and Shri. A. Kembhavi, IAS, Director, Directorate of Mineral Resources, Government of Meghalaya, during the deliberation on the Application dated 17.10.2019, filed by the Director of Mineral Resources, Government of Meghalaya, submitted that if the directions issued by the Committee from time to time vide various Proceedings are treated as suggestions of the Committee, the Government of Meghalaya has no objection in consideration of those suggestions and supply the required information provided those suggestions are found to be acceptable by the Government of Meghalaya. It has also been submitted that after consideration of all those suggestions made by the Committee from time to time vide its various Proceedings, the Mining & Geology Department, Government of Meghalaya shall apprise the Committee in writing, which of the suggestions are not possible to be complied with and which are the suggestions to be complied with. The reasons for non – acceptance of the suggestions shall also be provided to the Committee in writing. It has also been submitted that the information as sought for vide the various



proceedings, in case of the suggestions which are accepted shall also be provided to the Committee.

The Committee having regard to the aforesaid submission, directs the Secretary to the Government of Meghalaya, Mining & Geology Department, to place before the Committee in writing the suggestions which have been accepted by the Government of Meghalaya and the suggestions which cannot be accepted. The reasons for non – acceptance shall also be intimated to the Committee in writing on or before 21.11.2019.

The Secretary to the Government of Meghalaya, Mining & Geology Department shall furnish to the Committee all the required information/documents within 7 (seven) days from today *i.e.* on or before 21.11.2019 in the event the suggestions are accepted.

AGENDA ITEMS NO. 2 & 3

4. The Chairman of the Committee states that the Committee after examination of the draft comprehensive plan for transportation and handing over of the extracted coal to Coal India Limited for auction and minutes of a meeting held between officials of the Meghalaya Government and Coal India Limited at Shillong on 04.11.2019 has prepared a detailed note containing suggestions/observations of the Committee on the said plan and minute. The Committee in the said note has also sought certain information/document from the State of Meghalaya and the Coal India Limited for clarity on certain issues. A copy of the said note is enclosed as **Annexure-I**.

The Committee suggests that the State of Meghalaya and the Coal India Limited may revise the draft comprehensive plan and the scheme for sale of extracted coal in Meghalaya through Spot e – auction keeping in view these observations/observations of the Committee and submit a copy of the revised plan and the scheme to the Committee on or before 18.11.2019. The Committee further suggests that in case any of these suggestions/observations of the Committee is not acceptable to the State of Meghalaya or to the Coal India Limited, reasons for the same may also be provided to the Committee in writing on or before 18.11.2019. The Committee further suggests that information sought by the Committee in the said note may also be provided to the Committee on or before 18.11.2019. In case the State of Meghalaya or the Coal India Limited does not want to



provide any of the information/document, reasons for the same may be provided to the Committee in writing on or before 18.11.2019 by Secretary to the Government of Meghalaya, Mining & Geology Department.

AGENDA ITEM NO. 4

5. The Fourth Special Sitting of the Committee will be held on **21.11.2019 at 10.00 A. M.** onward in the Conference Hall, Sylvan House, office of the Principal Chief Conservator of Forests & HoFF, Lower Lachumiere, and Shillong.

The meeting ended with a vote of thanks from the Chair.


(JUSTICE BROJENDRA P. KATAKEY)
CHAIRMAN

**Comments on Draft Comprehensive Plan for Transportation and Handing Over of the
Extracted Coal To the Coal India Limited for Auction and Minutes of Meeting Between the
Officers of the Meghalaya Government and Coal India Limited at Shillong on 04.11.2019**

General Comments

1. After a reading of the para 186, para 190, sub para (12) of para 191 and clause (ii) in sub-para (4) of para 192 in the Hon'ble Supreme Court's Judgment dated 03.07.2019 in CA No. 10720/ 2018 the Committee is of the view that the Hon'ble Supreme Court by the said Judgment has entrusted the responsibility to the Committee to formulate the mode and manner of handing over of the assessed coal to the Coal India Limited for disposal through e-auction. Such mode and manner, as per the said Judgment is to be formulated by the Committee in consultation with the officers of the Coal India Ltd. (CIL) and the State of Meghalaya. It has however been stated in the minutes of meeting held between officers of the State of Meghalaya and the Coal India Limited on 04.11.2019 that the draft Comprehensive Plan formulated by them will be placed before the Committee for **consultations**. The State of Meghalaya and the CIL may apprise the Committee that the plan formulated by them has been placed before the Committee for **mere consultation** or for its **approval**.
2. The Hon'ble Supreme Court in para 186 of the Judgment dated 03.07.2019 in C.A. No. 10720 of 2018 has directed that entire extracted coal lying at various places be directed to be taken over by Coal India Ltd, a Government of India unit, who may dispose of the same **as per its normal method of disposal**. Hon'ble Supreme Court in para 188 of the said Judgment also directed that the coal will be handed over to the Coal India Limited will be disposed off **as per rules of Coal India Ltd**. The CIL may confirm whether Coal India Limited may place before the Committee, rules and/or document containing normal method for disposal for coal through e-auction by CIL, if any, and confirm that the comprehensive plan formulated by them, especially the provisions relating to fixation of reserve price by the State of Meghalaya below the reserve price of CIL, accepting the grade of the coal on the basis of certificate obtained by owners of coal, weighment of coal only at exit points, non-keeping of any reference sample of coal to resolve post-auction disputes, dispute resolution mechanism proposed in para 7 of the draft Plan etc., are in conformity with these rules/normal method of disposal. In case the CIL is of the view that no such rule/document exists, CIL may apprise the Committee the current status of a document titled " Terms & Conditions of Spot e-Auction Scheme 2007" available in the public domain.

3. The Hon'ble Supreme Court in para 188 of the Judgment dated 03.07.2019 has directed that the CIL shall also take steps to ensure weighment of the coal when it is received by it since all consequent steps regarding disposal, price grade of the coal shall be determined as per the weight of the coal received by the Coal India Ltd. from different places. The CIL may confirm whether the Plan formulated by them provides for weighment of the Coal at the time of the receipt of the coal. The CIL may also inform the Committee whether determination of the grade of the coal before its weighment is in conformity with the said Judgment of the Hon'ble Supreme Court.
4. To formulate the mode and manners for handing over of the assessed coal to the Coal India Limited in an informed manner, the Committee in its Special Sitzings held on 12.07.2019 and 07.09.2019 sought certain information and documents from the State of Meghalaya. Even after continuous pursuance during last five months, none of these information and documents, including the information relating to the locations where coal to be handed over to the CIL and a copy of affidavit containing quantity and location of such coal filed before the Hon'ble Supreme Court have not been provided to the Committee. Reasons for not providing these information and documents to the Committee may be provided. The Committee reiterates that in the absence of these information and documents it will not be possible for the Committee to finalize these modes and manners. The Committee makes it clear that in case these information/documents required by the Committee are not provided to the Committee within a week, it will submit a report to the Hon'ble NGT for appropriate directions.
5. The Committee in its previous meetings has directed that to counter allegations to the effect that actual quantity of coal available at various depots is much less than the quantity of coal stated in additional affidavit submitted before the Hon'ble Supreme by the State of Meghalaya in an effective and transparent manner, the Committee had suggested that video recording of all the coal depots where the coal to be handed over to the CIL, to be recorded by joint teams consisting of representatives from the Mining and Geology Department, Meghalaya State Pollution Control Board and the CIL as suggested by the Committee in its First Special Sitting held at Shillong on 12.07.2019 and use of high resolution satellite imageries for different time-intervals to ascertain continuous existence of all such coal dumps since imposition of ban on coal mining by the Hon'ble NGT in April 2014, shall be essential components of the comprehensive plan being formulated for handing over of the coal to the CIL for disposal through e-auction. The Committee in the earlier meetings has also suggested that a system involving establishment of a centralized server, uploading of transport permit/challans on such server and tracking of coal loaded trucks through GPS and RFID tags as stipulated in Appendix-XII to the EIA Notification, 2016 to prevent and detect multiple use of transport

permits/challans shall be integral part of the Plan. Reasons for not incorporating these provisions in the comprehensive plan may be provided to the Committee.

6. The comprehensive plan formulated by the State of Meghalaya and the CIL does not contain any safeguard to prevent and detect mixing of freshly mined coal with the coal stated to be available in the depots. Reasons for the same may be provided to the Committee.
7. The plan does not envisage any provision for collection and retaining of reference samples to resolve disputes involving adulteration of coal quality in the lots between the day it is notified for auction and the day on which entire coal available in such lot is lifted by the successful bidder. The State of Meghalaya and the CIL may apprise the Committee that in the absence of such samples, how such disputes are proposed to be resolved.
8. The Hon'ble Supreme Court by Judgment dated 03.07.2019 directed that the responsibility for e-auction shall entirely be of the CIL. On perusal of the draft Plan it has however been learnt that expect receiving a copy of the lot-wise quantities to be offered for e-auction and transferring the same to the MSTC, the CIL does not have any role in the entire auction process. The roles and responsibilities of the CIL along with number of personnel the CIL proposes to deploy to plan, execute, monitor and supervise the e-auction may be provided to the Committee.
9. Hon'ble Supreme Court in para 188 of the said Judgment dated 03.07.2019 has directed to the effect that it goes without saying that it shall be the duty of the State of Meghalaya and its officers especially Deputy Commissioner of the area concerned to enter details of quantity of the coal, name of the owner and place from where it is collected. The Plan does not contain anything on the nature of records to be maintained during the auction. Nature of records to be maintained and the authorities responsible to maintain each such record may be provided to the Committee for incorporation in the Plan.
10. The Hon'ble NGT by order dated 22.08.2019 in O.A. No. 110 (THC)/2012 directed that the Committee may fix specific timeline for the purpose of handing over coal already mined and lying at various places in Meghalaya to the CIL. The State of Meghalaya and the CIL may suggest time-lines for each step involved in handing over of the assessed coal to the CIL and its subsequent auction by the CIL.
11. The Committee so far has been informed that the coal, to be handed over to the CIL for disposal through e-auction is lying at various depots. However, in the comprehensive plan instead of 'depot', term 'mine' has been used to define the place where the coal is presently lying. The State of Meghalaya and the CIL may clarify the above.

12. The Policy envisages that only those non-tribals who possess trading licenses issued by the concerned Autonomous District Council (ADC) will be allowed to participate in the auction. The State of Meghalaya may inform the Committee whether requirement of obtaining a Trading License will be limited only to a seller, which in the extant case is CIL, or it also extends to each non-tribal who purchase the through e-auction for its use outside the State of Meghalaya, either within the Union of India or in Bangladesh. If reply of the State of Meghalaya to the above is in affirmative, whether the requirement of obtaining a Trading License will be insisted for sale of coal purchased through e-auction by a tribal or a non-tribal having a valid trading licence to a non-tribal not having valid trading license for its use/resale outside the State of Meghalaya, either in the State of Meghalaya or in Bangladesh. If reply to above is not in affirmative, the reasons for the same may be provided to the Committee. If reply to the above is in affirmative, mechanism to be adopted to ensure that such coal is sold only to a tribal or a non-tribal having valid trading license from the concerned ADC may be intimated to the Committee.
13. The CIL may confirm whether the rates of EMD proposed in the comprehensive plan are in conformity with the rates at which coal is normally auctioned by the CIL through e-auction. If reply to the above is not in affirmative, reasons for proposing the rates of EMD different than the normal rates of EMD may be provided to the Committee.
14. The CIL may intimate the rank/designation-wise number of persons they plan to deploy in the State of Meghalaya to plan, execute and monitor auction of the coal to be handed over to them.
15. The Plan shall specifically provide for establishment of weighbridge at each cluster of Depots to be manned by the officials of CIL. In case no such weighbridge is available at any such cluster, such weighbridges may temporarily be established. The State of Meghalaya including district Administration shall make available appropriate land for establishment of such weighbridges.
16. The Plan may provide for a State Level Monitoring Committee consisting of officials of the State of Meghalaya and the CIL to review, monitor and prepare weekly report on auction, lifting and transportation of the coal.

Comments on Specific Provisions

Preamble: Preamble may be amended to make it strictly in conformity with the Hon'ble Supreme Court's said Judgment dated 03.07.2019.

Para 1 (a): Term 'lot' may be defined clearly and unambiguously. Term "which shall necessarily include its geo-coordinates (latitude, longitude)" may be inserted after the para. The para may also provide that the State of Meghalaya shall, within two days, provide to the

North Eastern Space Application Centre (NESAC), Department of Space, Government of India, Umiam the location (latitude and longitude) and other details of each dump where coal to be auctioned is located. The NEASC, shall within one week from the date of receipt of these details prepare a geo-referenced map depicting the location of each such dumps and provide a copy of the same to the Secretary to the Government of Meghalaya, Mining and Geology Department and the CIL for placing a copy thereof on their respective websites within two days from the date of receipt of.

The following may be inserted after this Para:

- (i) Commissioner and Secretary to the Government of Meghalaya, Mining and Geology Department, in consultation with the Chairman, Meghalaya State Pollution Control Board and the General Manager, North Eastern Coalfields Limited, Coal India Limited, shall constitute Joint Teams each consisting of a representative from the Mining & Geology Department, Government of Meghalaya; the Meghalaya State Pollution Control Board and the North Eastern Coalfields Coal India Limited to prepare video records of each depot where assessed coal is presently available.
- (ii) The video records of 10 to 15 minutes to be prepared by the Joint Teams for each coal depot in the State in the presence of owners or representatives of the owners shall contain, among others, a panoramic view giving a glimpse of surrounding areas and all coal heaps available in the depot, a close up of the Team and owner/representative of the owner standing in close vicinity of each coal heap, a close up of each coal heap and a close up of the Team and owner/representative of the owner standing in middle of the Depot holding a play card containing details such as name, location (village, latitude, longitude etc.) of the depot and name of owner etc. of the depot. A copy of video record of each depot shall be placed on website of the Mining and Geology Department in the Government of Meghalaya and the CIL.
- (iii) The NEAC shall also undertake land-use Land -cover analysis of the areas having coal dumps/deposits for the period immediately before the ban on coal mining was imposed by the Hon'ble NGT in April 2014 and once in a year thereafter (*i.e.* 2014, 2015, 2016, 2017 and 2019) and also immediately before the date on which an affidavit containing details of the places where the coal to be handed over to the Coal India Limited for disposal through e-auction was placed before the Hon'ble Supreme Court. Based on the above, the NESAC shall classify each dump into three categories *viz.* the depots which were continuously in existence since imposition of ban on rat-hole coal mining by the Hon'ble Supreme Court on 17.04.2014, dumps which were in existence only after the date of filing of the said affidavit before the Hon'ble Supreme Court and the remaining dumps.

Para 1 (b): Detailed bidding process may be appended to the plan.

Para 1 (c): Maximum number of lots which may be put to auction in an Auction Cycle may be stated in the para.

Para 2 (a): Para may be substituted by "The Coal India Limited shall depute sufficient number of officials of various ranks to plan, execute and monitor sale of coal through e-auction".

Para 2 (b): The para may be substituted by "Quantity to be considered for disposal through e-auction shall be limited to quantity of coal actually found to be available at the depots, details of which have been given in the additional affidavit filed before the Hon'ble Supreme Court in April 2019, subject to a maximum of 32,56,715 MT.

Para 2 (c): List of laboratories authorized to assess GCV and sulfur content may be appended. Need for assessing the sulfur content may be apprised by the CIL. The CIL may also apprise the Committee whether assessment of sulphur content is a mandatory requirement for e-auction of coal as per their existing policy.

Para 2 (d): Para may be substituted by " The CIL shall verify correctness of certificate on GCV and sulphur content obtained by Depot Owner of at-least 5 % of such representative certificates by selecting such certificates in an unbiased manner. The CIL shall also collect and maintain reference samples in the manner and for a period provided for collection and maintenance of such samples in the normal process of disposal of coal through e-auction by the CIL. The CIL, the State of Meghalaya and the respective owner of the coal shall be jointly responsible for any dispute which may arise relating to quality of the coal". The State of Meghalaya In any case the State of Meghalaya being the 'receiver -cum-custodian' of the assessed coal has to be an essential party to any dispute which may arise as to the quantity and/or quality of coal at any of the depot/dump at its disposal.

Para 2 (e): Para may be substituted by "The Reserve Price shall be fixed by the Coal India Limited as per its existing policy"

Para 2 (f): May be amended in light of para 13 of General Comments .

Para 2 (g): Terms and conditions of e-auction shall be appended to the Plan.

Para 2 (h): To be seen in light of the para 12 of general comments. The para may provide for registration of bidders and also a proviso to the effect that only those Bidders which are registered will be allowed to participate in the Auction.

Para 2 (i): An exhaustive list of royalty and taxes/levies along with current rates thereof may be incorporated in the para. The para may also contain a proviso to the effect that in case a successful bidder fails to make the requisite payments within the stipulated period, EMD submitted by him/her shall be forfeited and such bidder shall be blacklisted resulting in forfeiture of his rights to any future auction. The para may also specifically provide who among

the State of Meghalaya, CIL and the MSTC will be allowed to retain the EMD which has been forfeited. The para may also provide for refund of EMD of the unsuccessful bidders.

Para 3 (a): The para may be amended to the effect that amount deposited by the bidder shall, within three days, be transferred by the MSTC to a separate account to be opened by the CIL. The amount received by the CIL shall be retained in such account till entire coal auctioned in favour of a bidder is lifted by the successful bidder. In case the actual quantity of coal available for lifting by the successful bidder is less than the quantity indicated in the auction notice, amount deposited by the successful bidder for such shortfall shall be refunded to such bidder and the remaining amount after retaining 10 % of bid value and expenditure, if any, incurred on transportation of the coal by the CIL shall be transferred to an account opened for the purpose by the State of Meghalaya. In case it is certified by the NESAC that the coal disposed through e-auction was not available at its designated location on or any day after the date of filing of additional affidavit by the State of Meghalaya in April 2019 the State of Meghalaya shall invoke powers conferred on it under sub-section (5) of section 21 of the MMDR Act and vest all such amounts in the State of Meghalaya and transfer all such amounts along with taxes/levies realized thereon to the Consolidated Fund of the State of Meghalaya. In case it is certified by the NESAC that the coal disposed through e-auction was continuously available at its designated location since illegal rat-hole coal mining in the State of Meghalaya was banned by the State of Meghalaya on 17.04.2019 shall be transferred to the respective owner. Details of the coal available at all other dumps/ depots shall be placed either before the Hon'ble Supreme Court or the Hon'ble NGT for directions. Release of such amounts will be governed by the directions as may be issued by the Hon'ble Supreme Court or the Hon'ble NGT. The para may also provide that the amount payable to the MEPR Fund shall be transferred to the said Fund within five days of its receipt by the State of Meghalaya.

Para 4 (b): The para may also provide that all challans shall be uploaded on a centralized server and movement of trucks loaded with such coal shall be tracked through GPS and RFID tags as stipulated in the said Appendix-XII to the EIA Notification, 2016 to prevent and detect multiple use of MTC.

Para 4 (c) to (e): These para shall also provide that the MTC shall be issued by the DMR to the successful bidder on a fortnightly basis. The MTC shall contain, among others date of issue, the destination, exist point from the State (if applicable) and the rout to be followed from origin to the final destination within the State of the designated exit point. The para may also provide that immediately on loading the coal in a truck, the successful bidder shall enter Registration number of the Truck in the MTC and bring it to a nearest weighbridge jointly manned by officials of the CIL and the DMR. The officials of the CIL and the DMR shall record the gross weight, tare weight and the weight of the coal loaded in the truck, put a signature along with date, time and official seal and upload a copy of the same on a centralized server manned for the purpose and track movement of each such truck through GPS. At exit points, the officials of the

DMR and the CIL shall again enter gross weight, tare weight and net weight of the coal and put their signature along with date and time and put a seal "USED". The para may also provide that the MTC shall be valid for a period of fifteen days from the date of its issue by the DMR or fourty eight hours from the time it allowed to proceed from the nearest weighbridge from the depot for initial weighment or till the truck carrying the coal under authority of such MTC reaches its final destination within the state or the designated exit point, whichever is earlier. The para may also provide that in case of en-route breakdown of a truck carrying such coal, validity of the MTC may be extended based on GPS records of such truck.

Para 5- Keeping in view the comments to para 3 (a) above, term State Government, wherever appearing in the para 5, shall be substituted by the term CIL. Provisions relating to refund by CIL may be omitted. Infact the whole para 5 may be omitted.

Para 6 (a):- Apart from the designated exit points, designated routes to be followed by the coal originating from each cluster shall also be incorporated in the para. Exit point to Bangladesh are to be included in this Para only if it is confirmed by the CIL that export to Bangladesh of the coal disposed by them through e-auction is permissible under its rules normal method of disposal and the same is not prohibited under any of the rules of the CIL.

Para 6 (b): All exit points shall also be manned by officials of the CIL to monitor and record movement of each such trucks.

Para 6 (c): Enroute weighment of trucks carrying coal and initiation of proceeding under section 21 of the MMDR Act against the trucks in case weight of coal loaded therein is found to be more than the same recorded in the MTC shall also be incorporated in the para.

Para 7: The State of Meghalaya is admittedly the custodian -cum-receiver of the coal to be auctioned by the CIL. The State of Meghalaya therefore has to be responsible for any dispute as to the discrepancy in quantity or quality of such coal. In any case every act of commission and/or omission of any authority and their employees including the State of Meghalaya, CIL, MSTC and their officers and employees will be governed by the all concerned statutes and the rules, regulations, guidelines framed thereunder which are presently in force in the State of Meghalaya. Application of these statutes and the rules, regulations, guidelines framed thereunder to all such authorities can-not be curtailed/restricted by a Government notification. The para may therefore be amended accordingly. The para may also provide for a legally tenable and practically feasible dispute resolution framework.
