IN THE HON'BLE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE BENCH AT CHENNAI

ORIGNAL APPLICATION NO.174 OF 2020

IN THE MATTER OF:

Banoth Nandu Nayak,
R/o. H.No.13-181, NTR Nagar,
Sattupalli Village and Mandal,
Khammam District, Telangana – 507 303.
Mobile No.98495 20879
Mail id: raghu1138@gmail.com

... APPLICANT

VERSUS

1. The Singareni Collieries Company Ltd.,
   Rep. by its Chief Executive Officer,
   Kothagudem,
   Bhadradri Kothagudem District,
   Telangana – 507 101.
   Mail: dp@scclmines.com
   Phone No.08744 242301.

2. Union of India,
   Through its Secretary,
   Ministry of Environment, Forest & CC,
   Indira Paryavaran Bhavan,
   Jorbagh, New Delhi-110003.
   Mil: secy_moef@nic.in
   Phone: 011-24695262, 24695265

3. Telangana State Pollution Control Board,
   Rep. by its Member Secretary,
   A-3, Paryavaran Bhavan,
   Sanath Nagar, Industrial Estate,
   Sanat Nagar, Hyderabad – 500 018.
   Mail: ms-tspcb@telangana.gov.in
   Mobile: 04023887600.

4. District Collector and Magistrate,
   Khammam, Telangana – 507 101.
   Mail: collector_kmm@telangana.gov.in
   Phone: 08742224641.

5. General Manager,
   District Industrial Centre,
   Khammam, Telangana – 507 101.
   Mail: gmdic.kmm.inds-ts@nic[dot]in
   Mobile No.9100839729.

... RESPONDENTS

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO.1 [THE SINGARENI COLLIERIES COMPANY LIMITED (SCCL)]

I, S. Venkata Chary, Son of Sri Satyanarayana, aged about 52 years, currently working as Project Officer, JVR OCPs, Kothagudem Area in the Singareni Collieries Company Limited, R/o. Sathupalli, Khammam District, Telangana State, do hereby solemnly affirm and state on oath as follows:

1. I am working as Project Officer, JVR OCPs, Sathupalli, Kothagudem Area in the 1st Respondent Company and I am authorized to depose on behalf of Respondent No.1 herein to file this Counter Affidavit.

2. I have read and understood the contents of Application and deny all the material allegations made therein, except those that are specifically admitted hereunder.

3. It is submitted that the present Application is filed praying the Hon'ble Tribunal to:

   1) "Appoint an Independent experts committee to verify the allegations raised by the Applicant in regard to environmental violations, damage caused by Respondent No.1 in the execution of Jalagam Vengal Rao Opencast Coal Mine at Sattupalli of Khammam District in Telangana State.
   2) Direct the MoEF, TSPCB to take appropriate action according to Environment Protection Act, 1986 for violations committed and loss caused by Respondent No.1.

3) Direct the District Collector to enumerate and assess the loss caused by Respondent No.1 for restoring it to normalcy or providing housing scheme to the damaged houses as per the State Government Policy.

4) Direct the Respondent No.1, State of Telangana and District Collector to setup health centre under Corporate Social Responsibility at NTR Nagar Colony of Sattupalli of Khammam District to provide free health facilities.

5) Direct the MoEF to file an action taken report on the violations recorded in the Minutes of 48th meeting of EAC dated 13th & 14th June, 2018 for passing appropriate orders."

4. It is submitted that the Singareni Collieries Company Limited (in short SCCL), the Respondent No.1 herein, is a Government Company within the meaning of Sec-2 of Companies Act-2013 jointly owned by the Government of Telangana and Government of India on 51:49 equity basis, exclusively engaged in the work of exploration, excavation, extraction and winning of coal. SCCL is currently operating 18 opencast and 29 underground mines in six (6) Districts of Telangana Sate with manpower around 56,282.

5. In reply to the averment made in para-1, it is submitted that Jalagam Vengal Rao Opencast Mine-I (JVR OC-I) and Jalagam Vengal Rao Opencast Mine-II (JVR OC-II) of Singareni Collieries Company Limited (SCCL), a Government Company, are located in Sathupalli area, Khammam District of

Telangana State. The existing JVR-OC I Expansion was operating at a rated capacity of 2.50 MTPA in an area of 547.08 ha. from the year 2005 and coal reserves in the mine will be exhausted in 2020-21. Coal production in JVR OC II Project started in 2017-18 and is operating at a rated capacity of 5.00 MTPA. It is submitted that Applicant is a resident of NTR Colony, Sathupalli Mandal, Khammam Dist, Telangana State, which is situated at the minimum distance of 617 m. from the crest of the Jalagam Vengala Rao Opencast-I Mine of SCCL towards North East direction and about 700 houses are likely to be present in NTR Nagar of Sathupalli. However, the allegations made by the Applicant that himself and other residents of NTR Nagar are severely suffering due to the blasting and other mining related activities are not true and correct. The Applicant is put to strict proof of the same.

6. It is submitted that the project authorities are implementing various conditions stipulated in the Environment Clearance, Consent for Operation and other statutory DGMS permissions obtained from time to time in both JVR OC-I and JVR OC-II mines for ensuring safe and environment friendly mining practices. The project authorities are also submitting compliance report of Environment Clearance conditions to Regional Office of MoEF&CC on six monthly basis. Further, Environmental Monitoring of air, water and noise levels are being periodically monitored in these mines through an

external agency viz., Environment Protection, Training and Research Institute (EPTRI), Hyderabad, a MoEF&CC/CPCB recognized and NABL accredited state laboratory. The said environmental monitoring data is being submitted to State Pollution Control Board and Regional Office of MoEF&CC. All the parameters are within the normal limits as stipulated by the authorities. Also, scientific studies on ground vibrations have been carried out through different scientific organizations to optimize the blast design parameters and control ground vibrations, noise and fly rock within safe limit for the nearby dwellings & colony and the conditions stipulated in DGMS permissions are being implemented in the project. Ground vibrations are being regularly monitored and recorded and they are within the stipulated norms.

7. It is submitted as regards blasting operations, Permission for Controlled blasting needs to be obtained by the project authorities under Regulation No. 196 (3) of CMR 2017 to conduct blasting operations within 500 m of any building or structure of permanent nature not belonging to the owner. It is submitted that mining operations are being carried out as per the permissions obtained from the Director General of Mines Safety (DGMS), Ministry of Labour and Employment, Government of India. Reg. No.196 (3) of Coal Mines Regulations 2017 stipulates that, “In the case of an opencast working, where any permanent building or structure of

permanent nature not belonging to the owner lies within the danger zone, the aggregate maximum charge per delay and per round shall not exceed the amount fixed by the Chief Inspector, by a permission in writing granted on the basis of a scientific study, and subject to such other conditions as he may specify therein".

Threshold values of ground vibration as per DGMS Circular No.9 of 1997

Type of Structure	**ppv value in mm/sec at a foundation level of structure at a frequency**		
	<8Hz	**8-25Hz**	**>25Hz**
Building structure not belonging to owner: 1.Domestic House structre Kutcha brick & Cement	5	10	15
2. Industrial building RCC & Framed Structure	10	25	25
3. Objects of historical importance and sensitive structure	2	5	10
Building belonging to owner with limited span of life: 1. Domestic House structure kucha brick & cement.	10	15	25
2. Industrial building RCC & Framed structure	15	25	50

8. It is to submit that a permission was accorded by DGMS to work mechanized open cast coal mine using Heavy Earth Moving Machinery and adopting Deep Hole Blasting under reg. 98(1) and 98(3) of the Coal Mines Regulations, 1957 at the Jalagam Vengala Rao Opencast-I Expansion Project, vide letter No.H1/SATHUPALLIOCP-I/perm/2005/1830, Hyderabad, Dt. 27-09-2005 (**Annexure-I**). In order to estimate the safe explosive charge to contain the vibrations

within the statutory limits (as per DGMS Circular No.9 of 1997), a scientific study was conducted through Central Institute of Mining and Fuel Research (CIMFR), Dhanbad in the year 2006 to assess the impact of blasting on the dwellings of the Vengalarao Nagar colony which is situated within a distance of 274m from JVROC-1 Mine and advice for optimization of blast design parameters. Basing on the scientific study, a permission was accorded by DGMS under Regulation 170 (1A & IB) of Coal Mines Regulations, 1957, vide Lr. No. H1 / JVROC / Perm / 2006 / 1543, dated 21st August, 2006 for carrying out controlled blasting operations within 300 m and up to 125 m of the Jalagam Vengala Rao Nagar area and Market yard not belonging to owner at Jalagam Vengala Rao Opencast-I. The recommendations of the study were scrupulously followed (**Annexure-II**).

9. It is submitted that basing on the same scientific study, again in the year 2015, as the blasting operations were proposed to be extended within 500m of dwellings and surface structures, SCCL obtained permission from DGMS to conduct controlled blasting with in 500 m and up to 100 m of Jinugupalli Village, temple, tomb, PWD Road etc. vide.H1/1191131339/ JVROC/Perm107(1B)/2015/2445, dated 15th September, 2015 (**Annexure – III**). The study results are being followed in this project as per the DGMS permissions and blasting operations are being carried out accordingly.

10. It is submitted that, according to permission, PPV values of blasting operations are being measured by the company every day using Minimate Instrument, which is approved by DGMS Authorities. The statement showing the PPV Values recorded by minimate instrument from January, 2017 onwards is enclosed (**Annexure–IV**). It is submitted that the blast induced ground vibrations are found to be within the permissible standards stipulated by Directorate General of Mines Safety (DGMS), Dhanbad. It is submitted that there are three villages within the 500 m of the proposed JVR OC Mine (I&II Mine) Expansion, namely, Jinugupalli, Rejarla and Kistaram Villages. However, mining operations were already completed within 500 m of the Jinugupali Village and no blasting operations are required to be conducted within 500 m of any building or structure of Kistaram Village also. Blasting operations are proposed to be extended within 500m of residential structures of Rejarla Village and PWD road which are in the south side. It is further submitted that NTR Nagar is at a minimum distance of 617 m. from quarry edge and blasting operations were carried out from a distance of 728 m to NTR Nagar. There were no complaints from the residents of NTR Nagar regarding damages caused to residential structures due to blasting operations carried out in JVR OC-I Project prior to year 2017. The complaint was made by the Applicant herein in the year 2017 when the quarry operations were carried out at a distance of 881m

from NTR Nagar. It is to further clarify that the mining operations will not extend towards NTR Nagar in future. As such, the applicant is trying to mislead this Hon'ble Tribunal with fake allegations to gain undue sympathy from this Tribunal.

11. It is submitted that a scientific study has been conducted by Department of Mining, Kakatiya University, Kothagudem on 02nd February, 2018 on blast vibrations and air over pressure at nearby villages of NTR Colony and Jinugupalli Villages which are situated within a distance of 617m and 371m in the East side of Jalagam Vengala Rao Opencast-1 Mine to obtain controlled blasting permission with in 500 m of the dwellings of Rejarla Village and PWD Road etc. and the study report was submitted in May, 2019. The conditions stipulated in the DGMS permission, basing on the recent study results or otherwise, will be followed by the project authorities to progress the workings as said above and it is ensured that the stability of residential structures in the surrounding villages will be unaffected due to blast induced vibrations in future also.

12. The GIST of conclusions and recommendations are as follows:

(i) The frequency of most of the blast vibrations is observed to be less than 8 Hz and the existing structures on both the sides of the study area are not belonging to the

owner. Hence, PPV of 5 mm/s is considered as a limit based on DGMS guidelines.

(ii) The following table illustrates the safe maximum charge per delay derived for various distances based on the regression analysis to limit the damage to the nearby structures in East side and South side of the mine respectively. The minimum and maximum charge per delay to limit the damage of structures in the eastern side of the mine are estimated as 16.4 kgs at 50 m distance and 14740.5 kgs at 1500 m respectively.

Recommended explosive charge per delay

Safe Explosive Charge for East side (NTR Colony)			**Safe Explosive Charge for South side or (Rejarla Village)**		
S.No	**Distance (m)**	**Maximum Charge per delay (kgs)**	**S.No**	**Distance(m)**	**Maximum Charge per delay (kgs)**
1	50	16.4	1	50	13.4
2	100	65.5	2	100	53.4
3	150	147.4	3	150	120.2
4	200	262.1	4	200	213.6
5	250	409.5	5	250	333.8
6	300	589.6	6	300	480.6
7	350	802.5	7	350	654.2
8	400	1048.2	8	400	854.4
9	450	1326.6	9	450	1081.4
10	500	1637.8	10	500	1335.0
11	550	1981.8	11	550	1615.4
12	600	2358.5	12	600	1922.4
13	650	2767.9	13	650	2256.2
14	700	3210.1	14	700	2616.6
15	750	3685.1	15	750	3003.8
16	800	4192.8	16	800	3417.6
17	850	4733.3	17	850	3858.2
18	900	5306.6	18	900	4325.4
19	950	5912.6	19	950	4819.4

20	1000	6551.3	20	1000	5340.0
21	1050	7222.8	21	1050	5887.4
22	1100	7927.1	22	1100	6461.5
23	1150	8664.1	23	1150	7062.2
24	1200	9433.9	24	1200	7689.7
25	1250	10236.4	25	1250	8343.8
26	1300	11071.7	26	1300	9024.7
27	1350	11939.8	27	1350	9732.2
28	1400	12840.6	28	1400	10466.5
29	1450	13774.1	29	1450	11227.4
30	1500	14740.5	30	1500	12015.1

(iii) Similarly, the above table also illustrates safe maximum charge per delay considering distribution of blast induced wave towards the South side (or Rejarla village) of the mine. The minimum and maximum charge per delay to limit the damage of structures in the eastern side of the mine is 13.4 kgs at 50 m distance and 12015 kgs. at 1500 m respectively.

(iv) The effective fragmentation of rock mass is observed in all the blasts performed for the study. Hence, recommended to maintain the burden between 4.0 m to 5.5 m; spacing between 5.0 m to 6.5 m and depth of the hole as 5.8 m.

(v) The fly rock was observed from 50 meters to 200 m and it may cause the damage to nearby structures or village since the mine is progressing towards the South (dip) or Rejarla village or public roadway i.e, Sathupally - Vijayawada. Hence, it was recommended to adopt the muffled blasting to avoid the fly rock. This muffled blasting will be practiced if the distance of structure

falls from the blast face within 150 m. The mats, belts, mesh or sand bags are used for the muffled blasting.

(vi) The maximum noise or air over pressure observed in a single blast as 138.2 dBL at 220m from the blast face for the maximum charge per delay of 50 kgs. In all other blasts, the air over pressure is recorded at an average of 117 to 118 dBL. Generally, the noise is reduced with an increase of distance. The proper stemming and controlled blasting techniques are being adopted for reducing the noise.

(vii) The proper free face is provided for each blast to avoid the undesirable effects of blasting. Number of rows in a particular blast are limited to 4. Nonel initiation technique for the blasts is being practiced. The existing practice for trunk line delays with combination of 65 ms and 25 ms is followed. The trenching was also made ahead of the structures to limit the blast induced ground vibration. Pre-split blasting was practiced to limit the damage of vibration on the nearby structures.

(viii) The clearing of traffic on the roadway and not allowing the any personnel in the danger zone of the mine are being followed during blasting operations.

13. It is submitted that the recommendations of the scientific study are being followed in true spirit while working at JVR OC-I (I&II Expansion) to avoid any impact on the dwellings of

NTR Colony(which is at a distance of 2225m from JVR OC (I&II Expansion)), Rejerla village and PWD Road. It is also to submit that all the monitored parameters of blasting operations are within the limits as per the statute. As regards pollution from other mining related activities, it is to submit the coal transportation is also not carried out on the road leading to NTR Nagar and as such general vehicular traffic is the contributing factor for general air pollution in the colony. As project authorities are taking various pollution control measures in the project like dust suppression through water sprinkling, wet drilling & controlled blasting, greenbelt around the mine facing habitation including NTR colony, there is no significant impact on the residents of NTR colony due to the mining activities and the same has been established by periodical environmental monitoring carried out by third party agency i.e., EPTRI, Hyderabad.

14. In reply to para-2 as regards background of opencast mining in Sattupally, it is submitted that Jalagam Vengala Rao Open Cast Mine is a massive project and there is a proposal to enhance coal production in the existing JVR OC-II from existing 4.00 MTPA (peak 5.00 MTPA) to 10.00 MTPA by annexing the adjacent JVR OC-I under the name of JVR OC-II Exp. The existing JVR OC I Expansion was operating at a rated capacity of 2.50 MTPA in an area of 547.08 ha. and coal reserves will be exhausted in 2020-21 . The JVR OC II Project

commenced in 2017-18 and is operating at a rated capacity of 5.00 MTPA. In the approved Mining Plan for JVR OC II Project, it was envisaged to utilize the voids of JVR OC I Expansion Project for dumping of overburden from JVR OC II Project in order to conserve the land. The same was incorporated in approved Mining Plan & Mine Closure of JVR OC I Expansion project also. Accordingly, the proposed Jalagam Vengala Rao (JVR) Opencast Mine (I&II Expansion) is planned for expansion of JVR OCP-II from 5 to 10 Mtpa by integrating with JVR OC-I Expansion. The proposed JVR Opencast Mine (I&II Expansion) is designed for an annual rated capacity of 10.00 MT within the project area of 1953.46 ha. The balance extractable reserves in the proposed expansion are 245.51 Mt with a life of 28 years. The mining plan (Ist Revision) including Mine Closure Plan of Jalagam Vengal Rao Opencast (I&II) Expansion was approved by Ministry of Coal, vide F. No. PCA-38011/12/2017-PCA, dt.29.03.2019. As proposed project falls in “Category – A” for obtaining Environment Clearance, as per the EIA Notification vide S.O. 1533, dated 14.09.2006 and subsequent amendments, an application has been submitted to MoEF&CC for grant of Environment Clearance for Jalagam Vengal Rao Opencast (I&II) Expansion after conduct of statutory Public Hearing.

15. In reply to para-3, the contention that there has been massive air, noise, soil pollution besides heavy heat due to high density of blasting, drilling, transportation of coal, exposing the black surface to the sun is not tenable and as such, it is denied and the Applicant is put to strict proof of the same. It is submitted that SCCL is implementing various pollution control measures for prevention and control of air, noise and soil pollution from the opencast mining operations in JVR coal mine. The pollution mitigation measures being implemented in the opencast mines are given hereunder.

Measures being implemented for control of Air Pollution

The air pollution mitigation measures implemented in the opencast mine are as follows:

- Wet drilling and controlled blasting.
- Water spraying is being done for dust suppression at working places, haul roads, approach roads to dump yard by 13 No's of mobile water sprinklers in the mine. Water spraying is being done to suppress dust emissions along haul roads and loading places with mobile water sprinklers of 28 KL (3 No's), 20 KL (5 No's), 15 KL (2 No's) capacity and 12 KL Water Tanker (3 No's).
- Proper wetting of blasted coal before loading in to dumpers/dump trucks.
- Avoidance of overloading of dumpers/dump trucks.
- Regular compaction and grading of haul roads.
- Scheduled maintenance and periodical tuning of engines of HEMM for containing the exhaust emissions i.e. CO, SO_2 & NOx.
- Greenbelt development all along the mine lease area, vacant land near office buildings and plantation on OB dumps
- A Mound Barrier of around 1.5 km length is made at north and east side boundaries of the quarry towards NTR Nagar and thick green belt is developed over it.

Effective dust suppression measures are taken up at pit head coal handling plant (CHP), which include:

- Water spraying arrangements at unloading points and crushers at CHP to control dust emissions.
- Provision of belt conveyors of adequate width.
- Regular dust suppression by water spraying in CHP premises.
- Black topping of permanent road link routes to CHP, permanent internal roads.
- Minimizing height of fall at coal unloading points and transfer points.
- Restricted speed of the vehicles in the project premises.
- Use of pre-weigh bins to avoid overloading of trucks

The coal produced from three opencast mines in Sathupalli Area is initially transported from quarry to pit-head CHP from where it is transported to Rudrampur Coal Handling Plant (RCHP), Kothagudem. Further, to avoid road transport, railway line is being laid from BDCR to Sathupalli with a capital outlay of 927crores in which SCCL has accepted to bear the cost of 618 crores and deposited an amount of 356.38 crores as advance to railway authorities.

SCCL is implementing following mitigation measures to control air pollution during coal transportation by road and ensure that pollution levels are within the stipulated limits.

- Regular dust suppression near loading and unloading points.
- Proper dust suppression system at hoppers, CHP premises and approaches to CHP area.
- Mist spray arrangement at all dry material conveying and transfer points.
- Area between various sections and truck parking areas are made of concrete/bitumen/brick work
- It is ensured that the coal transport trucks are filled up to brim level to avoid coal spillage during transport.
- It is strictly ensured that all the coal transport trucks are covered with good quality tarpaulin sheet having tying arrangement with ropes to avoid spillage and flying of coal dust during the transportation of coal from the loading point to unloading point.

- Coal transport vehicles are taken up for periodic maintenance for tuning of engines in order to control vehicular exhaust emissions.
- During vehicular maintenance fuel leakages are being checked.
- During periodic checks of trucks, condition of body with respect to leakages is being checked and steps are taken to prevent coal spillages during movement of trucks on the public roads.

Measures being implemented for control of Noise and blast vibrations

The major noise-generating source from the proposed activity is working machinery blasting and plying of vehicles. The following noise control measures are being implemented during the operation of the mine.

- Formulation and implementation of suitable blast design parameters such as burden, spacing, charge per delay etc. for different coal/OB types.
- Controlled blasting techniques by using NONELs to minimize the noise and vibration.
- Procurement of HEMM with acoustically designed operator's cabins.
- Proper maintenance and tuning of HEMM and other machinery.
- Greenbelt with species of rich canopy around the lease area and along the roads, to attenuate the noise levels. The greenbelt will act as noise attenuator
- Use of personal protective devices i.e., earmuffs and earplugs by workers, working in high noise activity centres.

The following measures are being implemented in the opencast mines for controlling noise and blast vibrations.

- Controlled blasting technique using non-electric (NONEL) delay detonators to reduce blast vibrations substantially.
- Regulating Charge per delay to minimize blast vibrations.
- Optimum delay sequence and stem to column ratio to minimize the fly rock distance and ground vibration intensity.
- Basing on the distance of the nearest sensitive areas from the epicenter of the blast, charge weight alteration to meet the stipulated standards.
- Design of optimum blast hole geometry considering bench height, diameter of hole, type of explosive, nature of rock, level of fragmentation required etc.
- Carrying out blasting operations only during day time.

- Drilling, charging and blasting operations under strict supervision as per DGMS stipulations.
- Avoidance of secondary blasting.
- Ensuring free face for effective blasting operations
- Muffled blasting is implemented wherever situation warrants

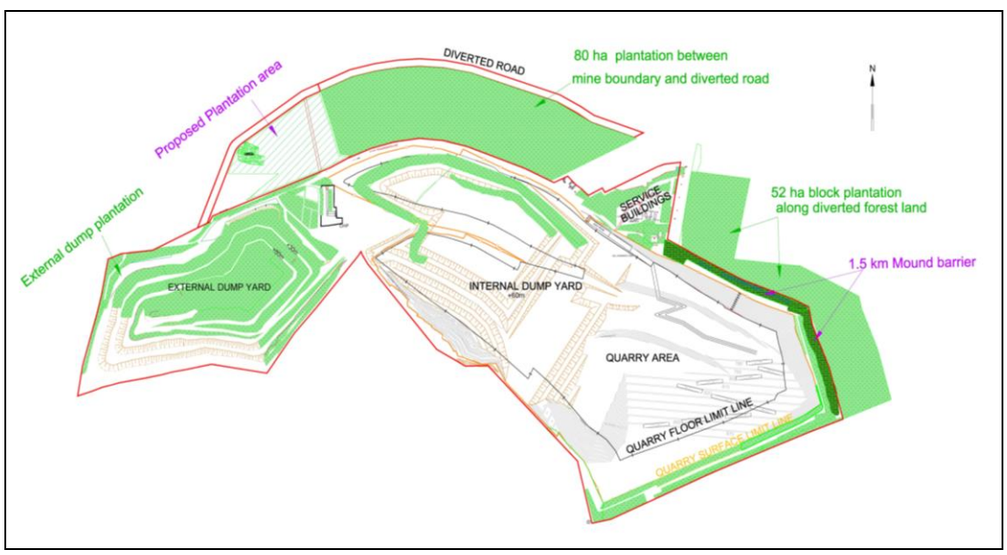
Measures being implemented for control of soil pollution:

The project authorities are implementing following measures for control of soil erosion and prevent soil pollution in surrounding areas.

1. Provision of oil and grease traps in HEMM workshops for treating effluents and their subsequent recycling.
2. Construction of garland drains along the dumps and along the lease area to restrict the suspended solids from entering into the natural water regime as well as to prevent storm water entering the lease area.
3. In JVR OC-I, catch drains for a length of 17240m and 4 Nos. settling ponds have been made for proper collection of water into the settling ponds and to arrest silt from the runoff from OB dump. In JVR OC-II, Catch drains for a length of 2.5 km and 9 No's. Settling ponds have been made to arrest silt and sediment flows from top soil, OB dumps.
4. Construction of Check dams/rock fill dams wherever necessary to reduce siltation. Nine (9) No. of settling ponds and Two(2) No. of check dams were constructed in the project area.
5. In JVR OC-I, the garland drains are being maintained around the external dump and quarry for a total length of 13.00 km. and 4240 mtrs.of drain was provided on internal dump yard. The drains and settling ponds are being regularly de-silted and properly maintained. 1760 m length of Toe Wall is constructed around the External and Internal dump yards.
6. Treatment of excess mine water in settling tanks to separate the suspended solids before let out into the nearby irrigation tanks/ streams / agricultural land.

16. It is submitted that Environment Protection Training and Research Institute, Government of Telangana, CPCB recognized, NABL (National Accreditation Board for Testing and Calibration Laboratories) accredited state laboratory is conducting post project environmental monitoring for the

parameters of air, water and noise of the surrounding villages of Sathupalli. All the parameters and frequency of monitoring and standards are being followed as per Ministry of Environment and Forest (MoEF) notification GSR: 742(E), Dt, 25-09-2000. Further, the readings are well within the permissible limits (**Annexure-V**). All the reports are being submitted regularly every 6 months to the Regional Office, MoEF&CC, Chennai and Telangana State Pollution Control Board, Hyderabad. A copy of the latest half yearly monitoring report is enclosed as **Annexure-VI**. As regards exposing of black surface to sun and resultant heat radiation, it is to submit that the project authorities are back-filling the de-coaled areas concurrently with the progress of mining operations. Also, progressive reclamation of mined out areas is being carried out in the project by stabilizing the overburden dumps and taking up plantation. So far, plantation has been taken up in a total area of 322.90 ha in JVR OC-I and in 8.80 ha of plantation in external dump of JVR OC II.



17. In reply to para-4, it is submitted that the Applicant along with other residents of NTR Nagar have submitted several representations to Government Officials marking a copy to SCCL management. Respondent company has taken necessary steps to resolve the issues raised by the Applicant. It is submitted that basing on the representation submitted by the Applicant, Joint Collector, Khammam District has formed a committee consisting of Asst. Director Survey and land records, Khammam, Asst. Director Mines and Geology, Khammam, General Manager, District Industries Centre, Khammam and Thahasildar, Sathupalli vide ltr no. Rc No. C1-202-2019, Dt. 16-04-2019. In the above letter, Joint Collector, Khammam requested the committee members to go through the contents of the representation of the Applicant and conduct joint inspection at field level and submit detailed

report immediately within 07 days to take action in the matter. The committee inspected the NTR Colony, investigated into the allegations raised by the Applicant and submitted the report to District Collector Khammam (**Report is enclosed as Annexure-VII).**

18. In reply to para-5, it is submitted that the duly constituted committee inspected the project and the project authorities have furnished all the details pertaining to the project like statutory permissions, scientific study reports, measures being taken to control ground vibrations, environment monitoring data etc., to the committee. The joint inspection team concluded that a team consisting of concerned departments of R&B, DGMS and Tahsildar may be appointed to identify damaged houses due to blasting of SCCL operations and also assess the cost of repairs of houses at NTR colony. Though joint committee has submitted report to District Collector, Khammam, the recommendations of the committee are not yet implemented. Further, it is submitted that the committee appointed by Joint Collector, Khammam has inspected the houses in NTR colony and visited Jalagam Vengal Rao Open Cast-I, SCCL on 19.06.2019. The SCCL Officials have submitted several reports/evidences and informed that the blasting operations are being carried out within the permissible limits only, as per the DGMS norms and also informed that SCCL is monitoring blast vibrations

and noise with Minimate and recording the test results every day and the values are observed within the limits, established dust suppression system and online system air quality monitoring as per The Telangana State Pollution Control Board Norms and finally informed that the houses are not getting damaged due to blasting operations, as the SCCL being followed safety norms.

19. It is submitted that as mentioned by the Applicant, the committee also made recommendation that as the subject matter pertains to the department of mines safety, GOI and the competent authority is the Deputy Director of Mines Safety, Hyderabad and the issue involves the damages of houses, hence, the competent authority is R&B for assessing the cost of damages and the concerned Thahasildar is also the competent authority, as the area falls in his jurisdiction. Further, the District Collector, Khammam, vide Rc.No.C1-202-2019 Dt.05.07.2019 has addressed a letter to General Manager, SCCL, Sathupalli, enclosing a copy of the report and advised SCCL to take necessary action (**Annexure-VIII**). It is further submitted that, SCCL has not received any further information.

20. In reply to para-6, the contention of the Applicant that about 700 houses are situated in NTR Nagar, Sathupalli and they got damaged due to mining activity and the safety of people residing in the houses are in danger and that air and noise

pollution are causing health hazards for the residents of the colony and other several adjacent colonies due to massive mining activities of Respondent No.1, is not tenable and it is denied and the Applicant is put to strict proof of the same. It is submitted that as per the clarifications given at point No.1 supra, 1st Respondent has been carrying out blasting operations as per the recommendations of DGMS permission after conducting necessary scientific studies wherever blasting is done nearer to habitations. The blast vibrations and noise are being monitored using Minimate, a DGMS approved instrument and the ppv values are within the limits stipulated by DGMS. Hence, the development of cracks and damage noticed in some of the houses of NTR Nagar may not be due to blasting in opencast mines but may be because of poor construction quality or any other reason. Also, the project authorities are taking various pollution abatement measures in the project for prevention and control of air and noise pollution. The environmental monitoring data clearly indicate that the pollutant concentrations are within the stipulated standards.

21. In reply to para-7, the contentions that the Respondent No.1 recently stopped first phase mining in Jalagam Vengal Rao Opencast Mine and the authorities have not implemented mine closure plan as per the EMP and Environment Clearance, which is causing threat to animals near the forest

and domestic animals besides heat radiation are not tenable and it is denied and the Applicant is put to strict proof of the same. It is submitted that the coal mining operations in Jalagam Vengala Rao Opencast-I will be closed during 2020-21. Further, it is proposed to utilize the voids of JVR OC-I Exp. for dumping of overburden from the proposed JVR OC Mine (I & II). In this regard, Mining Plan and Mine Closure Plan was also approved by the Ministry of Coal on 29.03.2019 **(Annexure-IX).** As per approved Mine closure plan, about 184.71 ha has to be brought under plantation and at present, 186.90 ha. plantation has been carried out. Further, about 80 ha plantation has been taken up in between mine boundary and R&B Road which is beyond mandate. In addition, 52 ha. of plantation was carried out outside the project area in the degraded forest land. Further, it is submitted that trenches were made for preventing animals to enter in to the mining area and there is no incident of danger to animals and domestic cattle. It is to submit that wildlife conservation plan was also prepared for an amount of Rs.1.34 Crores (**Annexure - X**).

22. In reply to para-8, the contentions of the Applicant regarding the news report dt.12.12.2019 wherein it is alleged that two proposals seeking Environment Clearance for expansion of coal mines in Khammam and Peddapalli districts were shot down by EAC due to violation of environmental laws and

MoEF&CC pointed out that proposals for Environment Clearance for expansion of mines cannot be considered since the existing mines involve violation on account of excess production and that Coal is being transported by road in violation of EC condition which prohibits it are not tenable hence denied. It is submitted that in case of JVR OC-I, SCCL applied for Environment Clearance from MoEF&CC under violation category on account of excess production, as per S.O.804(E) dated 14th March 2017. Granting of EC for the violation mine i.e JVROC –I Expn Mine is being processed by MoEF&CC. SCCL seeks Environment Clearance for expansion of JVR OC-II mine only after obtaining EC for JVR OC-I.

23. In reply to para-9, the contention of the Applicant that the Expert Appraisal Committee of MoEF meeting held on 13th and 14th June 2018 found that environmental violations taking place in JVR OC-I mine besides various other mines operated by Respondent No.1, is not tenable. It is submitted that MoEF&CC issued S.O.804(E), dated 14.03.2017 seeking online applications for Environment Clearance. Accordingly, SCCL submitted proposals and MoEF&CC issued ToRs for all the proposals (**Annexure XI**) and TSPCB is conducting Public Hearings and proposals are being processed as per the ToRs issued conditions.

24. In reply to para-10, the contention that EAC of MoEF&CC and joint committee appointed by Joint Collector of Khammam District confirmed the environmental violations at Jalagam Vengal Rao Opencast Mine at Sathupalli of Khammam District is denied and the Applicant is put to strict proof of the same. It is submitted that SCCL has already submitted application to MoEF&CC for obtaining Environment Clearance for JVR OC-I mine. It is to submit that coal mining operations are being carried out in JVR OC mine by complying with the conditions stipulated in the Environment Clearance for safeguarding the environment.

25. In addition to the above, as a social responsibility, mobile medical camps and other welfare activities are being conducted at NTR Nagar colony along with other surrounding villages (**Annexure - XII).**

26. It is submitted that various developmental and welfare works are being taken up by SCCL in project affected villages under CSR, such as:

a) Laying of CC roads, Drains, repairs of school buildings and Community halls in the project affected villages of JVROC at a cost of Rs. 8.00 Crores
b) Fixing of 920 Nos. LED street lights in 8 nearby villages, namely, Rejarla, Kistaram, Kothuru, Gourigudem, Lingapalem, Kotha Lingapalem, Kakarlapalli and Tallamada at a cost of Rs. 12.50 Lakhs during 2019-20.
c) Distribution of blankets for the villagers of Kommepally in the year 2016 at a cost of 2.50 Lakhs.

d) Distribution of tarpaulins for the villagers of Kommepally in the year 2015, 2017 and 2019 at a cost of Rs. 8.50 Lakhs.

e) Provision of bore wells in the surrounding villages at a cost of Rs. 28 Lakhs.

f) Conducting various training programs for the unemployed youth such as, Tailoring, Muggam works, Embroidery, Motor driving, computer coaching etc in project affected villages at a cost of 14lakhs.

g) About 750 people of project affected villages are presently working in various contractual works which are being carried out at JVROC, SCCL

h) Distribution of about 3,61,000 Nos. plants at a cost of Rs. 30.00 Lakhs and plantation is done in about 329 ha. at a cost of Rs.89 Lakhs.

i) An amount of Rs. 100.69 cores is deposited for DMFT (District Mineral Fund Trust), Khammam, up to May 2020.

j) Supply of excess mine water for irrigation of about 600 Acres of paddy fields of Kommepalli, Rejarla and Kistaram Villages which are adjacent to the Project.

k) Construction of bund with 1530 m. length and 10 m. height towards NTR Nagar and thick plantation which acts as a barrier for controlling propagation of sound and Dust.

l) Provision of note books, shoes, ties, belts for the students of Government Primary School, Kistaram Village at a cost of Rs. 40,000/-.

m) Further as per the direction of MoEF & CC, a fund of Rs. 26.67 Crores will be spent on welfare and Developmental works under remediation and augmentation plan in nearby villages as recommended by Expert Appraisal Committee in 36th EAC meeting held on 22.09.2020 for grant of Environment Clearance for Expansion of JVR OC-I Project under violation category **(Annexure XIII).**

n) Under corporate social Responsibility (CSR), two village tanks namely “Chillavaagu” of Kistaram village and Jeenugupalli Cheruvu of Rejerlla village which are falling with in 5 km. radius

of lease boundary have been de-silted (20,000 cu.m and 10,000 cu.m respectively). The value of work is Rs. 37,02,097.00.

o) Further, as a corporate social responsibility, de-siltation of about 30,000 cu.m from Pedda cheruvu water tank of Kistaram village, which is falling with in 5 km. radius of lease boundary of JVROC-1 Exp. & JVR OC-II by deploying SCCL HEMM for a period of 15 days. The total cost of work is Rs. 16,42,992.00. The following departmental machinery was used for the de-silting of Peddacheruvu tank. In addition to the above, on the request made by the residents of Kistaram village, part of the De-silting soil was also loaded into trucks/tractors of the farmers for spreading in their crop fields.

i. One LC-200 Shovel of 1.00Cu.m Capacity.
ii. 2No.s of 35 T dumpers.
iii. D-155 dozer.

27. It is submitted that the Answering Respondent reserves his right to file an Additional Counter affidavit during the course of hearing in the said Application as and when required.

28. In view of the above mentioned facts, this Hon'ble Tribunal may be pleased to pass orders as may deem fit in the interest of justice. The Answering Respondent prays accordingly.

DEPONENT

Sworn and signed before me on this the
___ day of November, 2020 at Sathupalli.

Before me

Attestor