

grant further extension of time to successful bidders to deposit the balance bid value, or to lift the purchased coal from the Coal India Depot, and for realization of the unpaid demurrage charges. Further recommendation was that the bid auction winners, who had not been granted extension of time to deposit the balance bid amount, and or, to lift the coal from CIL designated depots, were to be made to forfeit their Earnest Money Deposit and Part Bid Value,

2. The other recommendation is with regard to the conduct of a proper Drone Surveillance for effectively checking illegal coal mining activities, with the added recommendation that the Police, dedicate a Special Team to check illegal mining and to coordinate the same with the Drone Surveillance. Other recommendations, which were flagged in the earlier reports, have been reiterated in the present report that is, action for closure of the existing coalmine openings, setting up of Integrated Smart Check-Gates and for serious efforts to be made by the State respondents to provide alternate livelihood to the people affected by mining activities.

3. On the submissions of the learned Advocate General together with a perusal of the Status Report, it is noted that on the question of forfeiture of security deposit and part bid amount, it has been expressed that to the stocks that were auctioned to the successful bidders but amount not

paid in full by the bidders, extensions have been granted to make the payment within 1(one) month, failing which the same, would result in the forfeiture of Earnest Money Deposit, and the stock put up for re-auction. However, no exact details is provided in the Status Report on this aspect. With regard to the realization of demurrage charges, the Status Report apart from indicating that notices have been issued, no other information has been provided.

4. The learned Advocate General, however, insofar as, forfeiture of part bit amount has submitted that it will go against the bid conditions and will invite its own legal implications against the State, inasmuch as, to operate such a condition, the action plan and bid conditions will have to be revised.

5. With regard to the recommendation of the Committee for Drone Surveillance, it is noted that some action has been undertaken and Drone Control Rooms have been established and are functional in coal bearing areas of the State. Further Dedicated Teams headed by a Deputy Superintendent of Police or equivalent, to continuously monitor the Drone Surveillance System and submission of periodic reports, are already in place. However, a point that needs some attention is with regard to the use and interpretation of UAV survey maps, where there is yet to be any clarity,

though it indicated in the Status Report, that a letter of the Meghalaya State GIS and UAV Centre has been placed before the Committee under a letter dated 27.02.2025.

6. With regard to the aerial survey by M/s Garuda UAV Soft Solutions Pvt. Ltd., it is indicated that a final report is still awaited, and it is expected to be submitted by 20.03.2025. On the shifting of seized coal to Centralized Coal Depots, a brief summary as to the steps taken in East Jaintia Hills and South Garo Hills has been given. It is also been stated in the Status Report that in some areas where there is no Centralized Coal Depot, transportation of the seized coal to far-off depots will not be feasible. On this aspect, this Court expects that the State respondents expedite the process of disposal of seized coal under the MMDR Act, by obtaining necessary Court orders, which will limit and curtail the amount of seized coal lying outside the Centralized Coal Depots.

7. On the aspect of closure of abandoned coal mine shafts, setting up of Integrated Check-Gates and providing of alternate employment, there seems to be no progress, apart from the update that the Central Mine Planning Design Institute Limited (CMPDIL), has been approached to extend technical support to conduct survey analysis, and the designation of the Meghalaya Industrial Development Corporation as the Project

Implementation Unit for mine reclamation project, but that the Detailed Project Report (DPR) is still awaited. Similarly, with regard to the setting up of the Integrated Smart Check-Gates, the same seems to be a non-starter with the same reasons being given for non-implementation, as also the steps for providing alternate livelihood and employment.

8. On the comprehensive plan for re-auction of re-assessed/re-verified coal, it is expressed that the State respondents, are bound by the terms and conditions of the concluded auctions and therefore ,any change in the terms and conditions after the auction, to the prejudice of successful bidders, would entail other consequences and legal actions. It has also been submitted made that any change in the auction process or plan will have to be approved by the NGT (Oversight Committee).

9. This Court expects that on this aspect, the State respondents in conjunction with the Coal India Limited, should approach the aforesaid Committee for amendment of the clauses, or to initiate changes as proposed in the report to eliminate the problem of non-payment/non-lifting of coal. A clause may be inserted in future auction notices, mandating therein that if full payment is not made in 120 days, or if the entire coal is not lifted within 120 days of full payment, the bid would be cancelled with forfeiture of EMD, and the coal to be put for re-auction. It is also noted that with regard

to modification of SOP for transport of coal outside the region, steps have been taken by the State respondents to make the said SOP more meaningful.

10. With regard to coal source audit, it is reported that the same is under process, and the Coke Industries and Ferro Alloy Companies have been allowed additional time to supply the required materials, such as Challans and also to crosscheck their compliances and office records. Similarly, with regard to the Cement Companies, the State respondents are yet to ascertain as to the source of fuel used in the said Industries.

11. It is expected that notwithstanding the matters pending before the NGT, the information should be received before the next date and submitted to the Committee.

12. An overall view of the Status Report the steps taken by the State respondents, apart from the setting up of the Drone Surveillance and dedicated team, which is yet to yield any tangible result, the situation on the ground has not seen any quantitative improvement. Needless to all, unless all the re-assessed/re-inventoried coal is disposed off, check on illegal mining will still remain an uphill task. It is therefore expected that the entire process be expedited and recommendations be carried out faithfully, so as not to warrant adverse orders that may be forthcoming, should the situation persist.

13. A further remuneration of a sum of Rs. 3.5 Lakhs, including amounts for other secretarial expenses etc. shall be paid to the Hon'ble Mr. Justice (Retd.) B.P. Katakey.

14. List this matter for further report and for further orders on 28.04.2025.

(W. Diengdoh)
JUDGE

(H.S. Thangkhiew)
JUDGE

Meghalaya
13.03.2025
"V. Lyndem PS"