

**Serial No. 02**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

PIL No. 2 of 2022

Date of Order: 02.06.2025

Inre Sua Motu Illegal Mining of Coal in the State of Meghalaya      Vs.      State of Meghalaya & Ors.

**Coram:**

**Hon'ble Mr. Justice H. S. Thangkhiew, Chief Justice (Acting)**  
**Hon'ble Mr. Justice W. Diengdoh, Judge**

**Appearance:**

For the Petitioner(s) :

For the Respondent(s) :      Mr. A. Kumar, AG with  
   Ms. R. Colney, GA (For R 1)  
   Mr. M.Z. Ahmed, Sr. Adv. with  
   Mrs. B. Dutta, Sr. Adv.  
   Mr. A.M. Dutta, Adv. (For R 2)

**Per. H.S. Thangkhiew, Chief Justice (Acting):**

1.            A Status Report on behalf of the respondent State of Meghalaya to the 28<sup>th</sup> Interim Report of the Hon'ble Mr. Justice (Retd.) B.P. Katakey Committee has been filed, and the 3(three) major areas of concern, which is reflected in the order dated 28.04.2025, have been sought to be addressed by the State respondents, which are as follows:-

- a) Coal amounting to 1,92,840 tonnes outside the CIL designated depots, including 1,80,299.48 tonnes, in East Jaintia Hills.
- b) Interpretation of Aerial Survey maps by Meghalaya Basin Development Authority (MBDA), in certain Villages in South West Khasi Hills.
- c) Issuance of Mining Transport Challans (MTC) by the Directorate of Mineral Resources stated to be in violation of clause 10 (c), of the Revised Comprehensive Plan, 2022.

2. On the first point, an Interim Action Report submitted by the Deputy Commissioner, East Jaintia Hills dated 24.05.2025, is annexed as Annexure-1, to the Status Report, which states that the Deputy Commissioner had received various complaints/representations from coal owners that their coal, which was part of the previous physical verification process had been left out from the Garuda UAV survey, and that these persons had requested for physical verification of the same alongwith its Geo-coordinates and for transportation of the same to the designated depots. This fact is also noted in the minutes of the meeting of the Committee dated 05.11.2024. As per the Status Report, in the minutes of the meeting held on 25.03.2025, permission was granted to the Deputy Commissioner, East Jaintia Hills District to conduct verification and to

take action accordingly. It is also further added in the report that the 1,80,299.48 metric tonnes of coal which is lying outside the CIL designated depots, in East Jaintia Hills District is spread over 1272 locations and is being physically verified and only the coal which is verified to be part of the original stock, which had been verified in the year 2019, shall be allowed to be shifted to the designated coal depots, for disposal by way of auction through CIL and the rest of the coal which is un-accounted, shall be seized and action taken under the provision of the MMDR Act.

3. With regard to the 11,707.99 metric tonnes of coal, which is lying outside the CIL designated depots in West Khasi Hills, it is reported that the Deputy Commissioner has taken action, and an FIR has been filed, and the coal amounting to 11,330.05 metric tonnes, has been seized as per the provision of the MMDR Act, 1957.

4. In South West Khasi Hills District, approximately 797.56 metric tonnes of coal which is reported to be lying outside the CIL designated depots, has been directed to be seized.

5. In South Garo Hills District, where 35.01 metric tonnes of undocumented coal has been detected, and the Deputy Commissioner has

directed the officials concerned to take action against the said illegal dumping.

6. On the next point regarding interpretation of Aerial Survey maps by MBDA, it is noteworthy to refer herein to the 29<sup>th</sup> Interim Report of the Committee, which has recorded that at the time of submission of the 28<sup>th</sup> Interim Report dated 24.04.2025, factual incorrectness had crept in, wherein it has been stated that MBDA had not interpreted the UAV survey maps prepared of the coal found in 6(six) Villages. In fact the Meghalaya State GIS and UAV centre under the MBDA had submitted an analysis and submitted a report to estimate the Volume of Coal in the 6 Villages in South West Khasi Hills, where at Diengngan and Rajaju 2121.62 MT and 1839.03 MT of coal was found. The Committee on the correct facts being placed before it, had reported that the correct and factual information has been received, and the same has been recorded.

7. In view of this development, the observation made in Para-3B as well as the Recommendations made in Para-4 (iii) of the 28<sup>th</sup> Interim Report dated 24.04.2025, shall stand disregarded. The observation made by this Court on the MBDA on 28.04.2025, shall also stand deleted from the record.

8. With regard to the aspect of setting of Integrated Smart Check-Gates in Bagli, Borsora and Cherragaon, it is seen that the situation remains the same, and it is submitted by the learned Advocate General that land is still being sought from the private land owners to set up the same. It is also stated in the report that in line with the Revised Comprehensive Plan, amended in 2022, additional information of details of the owner and driver of the vehicle will be included in the Mineral Transport Challans, as this was not part of the details required to be submitted in the earlier format. With regard to the amendment of the Revised Comprehensive Plan 2022, wherein the Committee has suggested a time limit of 120 days be fixed for the successful bidders to complete the whole process of deposit of full bid amount and to lift the entire coal, failing which earnest money/deposited value should be forfeited and the coal be re-auctioned, it is reported that this suggestion has been forwarded to the Oversight Committee by letter dated 02.05.2025.

9. As to how 16,38,592.18 metric tonnes of coal had been put up for auction against 14,10,864.49 metric tonnes of inventoried coal, it is reported that the inflated amount was because of the inclusion of unsold coal of previous auctions, and was a computational error, as per the information received from the DMR.

10. On a different issue, Coal India Limited by an affidavit dated 29.05.2025, has sought the attention of the Court to a very startling aspect, wherein it has been stated at Para-5 thereof, reads as follows:-

***“5. That your humble answering deponent states that pursuant to the aforesaid Judgment and Order dated 03/07/2019 passed by the Hon’ble Supreme Court and in terms of the aforesaid Comprehensive Plans, the auction of the re-assessed/re-verified inventoried coal was done on as many as 7 occasions, i.e. 29/04/2021, 17/05/2021, 04/08/2022, 14/03/2023, 03/11/2023, 24/09/2024 and lastly on 17/04/2025, wherein a total amount of 213567.99 MT of coal was put up for Auction, out of which 3470 MT coal was sold and 210004.99 MT of coal remained unsold.”***

11. A perusal of above quoted Para-5, is indeed alarming as though the auction of re-assessed/re-verified inventoried coal was done on 7(seven) occasions, only 3470 metric tonnes of coal has been sold and 2,10,004.99 metric tonnes of coal remains unsold. The Committee is therefore, requested to examine this aspect, and to suggest other methods, which may be more efficacious and reliable to ensure the expeditious auction of the substantial amount of the coal, which is still lying in the CIL designated depots.

12. A 30<sup>th</sup> Interim Report has been submitted by the Single Member Committee on receipt of updated information pursuant to the meeting held on 13.05.2025, which discussed the various issues in the

present PIL. The information received from the State Government i.e. on the setting up of Integrated Smart Check-Gates in Bagli, Borsora and Cherragaon, action taken on the quantity of illegally mined coal other than re-assessed/re-verified inventoried coal and coal which has already been seized, has been noted in the Report.

13. On a perusal of the 30<sup>th</sup> Interim Report, it is seen that with regard to the process of taking action in respect of quantity of 1,96,800.78 metric tonnes of coal found in the aerial survey conducted by M/s Garuda and MBDA, necessary action in respect of the aforementioned entire quantity of the illegally mined coal needs to be taken up urgently, as there is a possibility of pilferage and transportation of such illegally mined coal from the coordinates in the above-mentioned aerial surveys. The Report has also suggested that action is needed to be taken against the owner and driver of a Vehicle bearing a Registration Number ML-10-A-4862, with regard to several infractions.

14. The Report has also furnished information with regard to a News Report published in the Highland Post relating to the death of a labourer in a mine shaft in Musiang Village, East Jaintia Hills District. It has been observed that, as the veracity of the news could not be established by the Police authorities, as there has been no information or official report

of such incident, inasmuch as, the same may not at all be reported to the Police Station and such labourer may not have been taken to any medical facilities available, as it may expose the continue illegal mining activities, if any. The Committee in its report is also of the view that a detailed enquiry needs to be conducted by an officer not below the rank of Inspector of Police to find out the truth or otherwise, of the aforesaid news report and to submit a report to the Superintendent of Police, and that the Superintendent of Police is also required to oversee such enquiry and to submit a report to the Mining and Geology Department as well as to the Committee, within a shortest possible time preferably within a fortnight.

15. The Report also noted the representation submitted by the Jaintia Hills Cement Manufacturer Association for exemption of Standard Operating Procedure, which has since been rejected. Another important aspect is the Audit of the source of coal utilized by the Coke Oven Plants, Ferro Alloys Plants and Captive Power Plants in cement companies, where it is reported that the said audit is still going on, but is yet to reach a logical conclusion. It is recommended that the appropriate authority in the State Government take a final decision on the engagement of an institution for verification of the claim of cement companies. The other areas with regard to shifting of seized coal to the centralized depot, extension granted to the

successful auction purchasers, revision of SOP 2024, which are yet to be notified by the State Government, have also been touched upon.

16. Apart from the other Heads, such as status of implementation of the programme for alternative livelihood and status of closure of coal mines; the proposal pending before the Oversight Committee constituted by the NGT, has received attention and a very pertinent issue has been raised, which the Committee feels requires to be considered by the Oversight Committee i.e. the proposal which has been forwarded to the Member Secretary in pursuance to the order dated 13.03.2025, passed by this Court for amendment of the Revised Comprehensive Plan, 2022, in the matter of forfeiture of the entire bid amount deposited in the event of failure of the successful auction purchaser to deposit the entire bid value, or to lift the auctioned purchased coal within the time limit, as well as to put up the coal for re-auction. As observed above, the said proposal is still pending consideration. The above noted issue has also been flagged by the CIL in its affidavit dated 29.05.2025.

17. On the appreciation of this detailed Interim Report, and the affidavit of the Coal India Limited, this Court notes that for the setting of Integrated Smart Check-Gates in Bagli, Borsora and Cherragaon, immediate steps have to be taken for acquisition of land, on rent or on

lease. Appropriate action under the provision of MMDR Act in respect of entire quantity of 1,96,800.78 metric tonnes of coal should be taken up immediately, preferably within a period of 1(one) month. Appropriate action against the owner of the truck as observed earlier, to be taken and also ensure that no vehicle carries coal beyond the permissible load capacity of the vehicle. The State authorities are also directed to ensure that effective surveillance of all vulnerable areas by the existing Drones as well as by regular Police patrolling, and to re-activate and strengthen the District Level Monitoring Committee in each District.

18. Other recommendations are for compliance of clause 8(J) of the Revised Comprehensive Plan, 2022 as per the recommendations of the Committee in its 28<sup>th</sup> Interim Report, that is to take all required steps for realization of existing demurrage charge, and also imposition of further demurrage charges, to notify amended clause 9 of the SOP, 2024 for transportation of coal and other minerals from outside the State of Meghalaya, and to provide information as sought for by the Member Secretary, MSPCB, so that action in terms of an order dated 25.11.2024, passed in *Writ Petition (Civil) No. 720/2023 (Druk Fuels Limited vs. The State of Meghalaya & Ors.* by the Hon'ble Supreme Court, be taken up urgently.

19. This Court notes and appreciates the details which has been laid out in the 30<sup>th</sup> Interim Report of the Hon'ble Mr. Justice (Retd.) B.P. Katakey Committee. A copy of the Report be made over to the State respondents with a direction that a detailed status report be filed on the aspects as discussed above, preferably within 4(four) weeks from today.

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

21. List this matter on 15.07.2025.

**(W. Diengdoh)**  
**Judge**

**(H.S. Thangkhiew)**  
**Chief Justice (Acting)**

Meghalaya  
02.06.2025  
"V. Lyndem PS"