

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 2 of 2022

Date of Order: 24.07.2025

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, Judge
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, Judge:

1. The 31st Interim Report filed by the Hon'ble Mr. Justice B.P. Katakey Committee (Retd.), has been perused. The main issues which have been flagged in the Report are with the necessity to evolve a new and efficacious method for disposal of re-assessed/re-verified inventoried coal lying in the Coal India Limited (CIL) designated depots, and also for action

to be taken for disposal of the illegally mined coal, which has been recorded in the survey report submitted by the M/s Garuda UAV and Meghalaya Basin Development Authority (MBDA).

2. It is noted that pursuant to the order of this Court dated 02.06.2025, meetings have been held with the concerned Departments including the CIL to suggest more efficacious and reliable methods, which may be adopted for the expeditious auction of the substantial remaining quantity of re-assessed/re-verified inventoried coal etc. As reflected from the Report, in the meeting, the CIL had come forward with 4(four) suggestions, and the Chairman of the Independent Committee of Coal Auction constituted by the State of Meghalaya had put forward 3(three) suggestions. The suggestions so made, were discussed in the meeting and 3(three) of the 4(four) suggestions proposed by the CIL, were in fact already incorporated in the clauses of the Revised Comprehensive Plan, 2022, at clauses 8(j) 10 (p) and 11 (b). However, 2(two) other clauses which have been suggested were found necessary to be included in the Revised Comprehensive Plan, 2022 i.e. the clause with regard to future auction notices, which will mandate therein, that if full payment is not made in 120 days as observed by this Court in the earlier order, or if the entire coal is not lifted within 120 days of full payment, the bid would be

cancelled with the forfeiture of EMD and the coal be put to re-auction. Suggestions have also been put forward to convene a meeting with the authorized coal based industries in the State to encourage them to participate in the coal auction process, and also for providing concessional rate to such industries, who are bulk consumers. The further suggestions made by the CIL in the meeting dated 23.06.2025, has also been recorded wherein it has been proposed that the auction process be not proceeded with, until all issues are resolved and its was decided to put on hold the initiation of fresh auction process of re-assessed/re-verified inventoried coal, till today. It appears that the recommendations of the Committee are still to crystalize or take a final form, as inputs are still awaited from different quarters with regard to the efficacious and reliable methods of auction of the said coal.

3. With regard to the applications filed by persons claiming non-inclusion of their existing coal in the survey conducted by M/s Garuda, the Committee has reported that only 1(one) person's claim was found to be genuine, and out of the 21(twenty-one) applications, 1(one) person's coal was not in the Inventory List, 6(six) persons coal was not covered by the affidavit filed before the Hon'ble Supreme Court, and 14(fourteen) persons

coal, though included in the stock of re-assessed/re-verified coal, survey was not found in those co-ordinates.

4. In consideration of these findings, the State respondents are therefore to intimate as to what action that has been taken thereafter in respect of the coal of these 21(twenty-one) applicants, whether any Police case has been registered against those persons, or whether any FIR has been lodged by the authorized officer under MMDR Act, 1957, and if so the outcome of the same.

5. It is also observed in the Report that in respect of coal found by MBDA in Rajaju and Diengngan Village, according to the Deputy Commissioner, inspection was conducted at Diengngan and only 2.50 MT of coal was found with some residue and traces of coal, against 1839.03 MT, which had been recorded by the MBDA in their report. Similarly, in the inspection that has been carried out at Rajaju Village, approximately 8(Eight) MT of coal and some residue and traces of coal were found, out of 2121.62 MT, as recorded by the MBDA in their report. This issue is of concern, inasmuch as, the same is illegally mined coal and in spite of the detection, unknown persons it appears have lifted and transported the coal. The State respondents are therefore to take urgent action in this regard and to hold accountable the persons or officials under whose watch, the same

has been allowed to happen, and also to trace the persons who have lifted this coal illegally .

6. A Status Report has also been filed by the State respondents to the 30th Interim Report, and the same also has touched upon the steps taken by the State respondents with regard to the illegally mined coal at South Garo Hills District and also the disappearance of the coal in Rajaju and Diengngan Villages, but apart from indicating that FIR has been filed, no other information has been given. The Status Report has also indicated the action taken with regard to the coal found outside the designated depots in Jaintia Hills, and the details of the inspection have been given therein. The Committee it appears has also directed the Deputy Commissioner to verify and compare and quantity of coal against the UAV report, and if there is substantial difference, FIRs to be lodged.

7. With regard to the non-matching of Challans with the Truck number, it is reported that same was due to the breakdown and mechanical defect that the auctioned coal was reloaded on another Truck and transported to the exit point at Weight Bridge Narang, and it is not a case of any illegal Challan being issued. On the issue of overloading, it is reported that necessary steps have been initiated. On the reported death of

one miner in Musiang Village, it is reported that a Police report found the same to be not true.

8. With regard to Source of coal Audit of Coke Oven Plants, the Report indicates that the process is still on, and the learned Advocate General has assured that on the next date, the findings would be placed before this Court.

9. With regard to the setting up of Smart-Check Gates, the same problems faced are reiterated, but it is reported that the possibility of integration of Smart Check Gates with the Customs Check Gates, is being explored. The Report also touches upon the collection of Demurrage charges, to which Rs. 13,49,093/- has been realized till date, leaving a balance of Rs. 5,01.947/- to which notices and reminders have been issued. With regard to the closure of abandoned mines, the Report indicates that both the Central Mines Planning & Design Institute Limited (CMPDIL) and Meghalaya Industrial Development Corporation (MIDC) have submitted invoices for works executed till date, which have been forwarded to the Technical Committee for appraisal and forward to the Oversight Committee of the NGT, but however the final DPR is still to be submitted.

10. As observed above, and in view of the prevailing situation with regard to the disposal of re-assessed/re-verified inventoried coal still awaiting further consideration by the Committee, list this matter on 25.08.2025, for further orders.

11. A copy of the 31st Interim Report also be made over to the State respondents and other parties, for submission of status thereon, on the next date.

12. List accordingly,

(W. Diengdoh)
Judge

(H.S. Thangkhiew)
Judge

Meghalaya
24.07.2025
"V. Lyndem PS"