

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 8 of 2022 with
WP(C) No. 195 of 2022
MC (WPC) No. 100 of 2022

Date of order: 19.10.2022

Champer M. Sangma	vs	State of Meghalaya & ors
Maikel T Sangma	vs	State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioners : Mr S. Dey, Adv.
Mr S. Deb, Adv.

For the Respondents : Mr K. Khan, Sr Adv. with
Mr S. Sengupta, Addl Sr GA [For R 1,2,5-12]
Mr D. Nath, Sr. Adv. [For R 3]
Dr N. Mozika, Sr Adv. with
Ms S. Rumthao, Adv. [For R 13]
Mr A.K. Baruah, Adv. [For R 14]
Mr S.P. Mahanta, Sr Adv. with
Mr M. Lyngdoh, Adv.

These two matters are connected and will henceforth appear one after the other.

The charges in both the matters pertain to the perceived illegal mining of coal in the State of Meghalaya. In essence, the petitioners allege that the illegally mined coal in Meghalaya is smuggled out of the State – in both the cases to the State of Assam – and re-routed to the State, sometimes for ultimate export to Bangladesh, by obtaining forged and fabricated papers in Assam. Indeed, it is submitted on behalf of the State

that a magisterial inquiry was conducted into the facts pertaining to the second matter, whereupon it was discovered that proper documents evidencing payment of GST on the coal had been produced. The State submits that upon GST payment receipt being presented, the State has no obligation to inquire any further as to the legitimacy of the transportation.

The petitioners, however, insist that there is veritable coal laundering by the private respondent No. 14 in the first matter with the active connivance of persons in the State. Though no credible evidence has thus far surfaced, the petitioners allege that the 14th respondent in the first matter provides the services of coal laundering in the sense of furnishing fabricated documents in support of the material as the illegally mined coal in this State is returned to the State with such documents.

It is because of the nature of the allegations and the possible commission of the act in the State of Assam that special notice has been issued to the State of Assam. The State of Assam is represented through senior government Counsel.

Since the papers pertaining to the second matter have not been served on the State of Assam, let such papers be forwarded to Counsel representing the State of Assam in the first matter.

It is submitted on behalf of the State of Assam that some cases have been registered regarding illegal transportation of coal. However,

details are awaited in such regard. The State of Assam is requested to file an affidavit after conducting a preliminary inquiry as to whether there may be any basis to the petitioners' allegations as recorded above. In particular, the State of Assam should render assistance as to the sanctity of a GST payment receipt being produced.

Let the matter appear three weeks hence to await the affidavit or report from the State of Assam.

List on November 14, 2022.

In view of this order and since the State of Assam is already represented in the first matter and the papers have been required to be furnished in respect of the second matter, the application for impleadment, MC(WPC) No. 100 of 2022, is disposed of.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
19.10.2022
"Sylvana PS"