

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 2 of 2022

Date of Order: 28.04.2025

Inre Suo 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
Mr. K. Khan, AAG
Ms. R. Colney, GA (For R 1)
Mr. M.Z. Ahmed, Sr. Adv. with
Mrs. B. Dutta, Sr. Adv. (For R 2)

Per. H.S. Thangkhiew, Judge:

1. A Status Report has been filed by the State respondents pursuant to the 27th Interim Report filed by the Hon'ble Mr. Justice (Retd.) B.P. Katakey Committee.

2. The learned AG has taken this Court through the contents of the Status Report to demonstrate the actions that the State respondents have

taken with regard to the different aspects which have been flagged therein. This includes the auction of left-over quantity of coal, recovery of unpaid demurrage charges, the action taken towards forfeiture of security and part bid amount, and the bid amount on account of non-lifting of auctioned coal. It is also submitted that meetings have been conducted for amendment of the clauses in the Auction Policy 2022, as per the directions and orders of this Court.

3. The Report has also fairly indicated the presence of 1,92,840.13 tonnes of coal which is outside the CIL designated depot, thereby implying that the same has been illegally mined, and further speaks of disposal of coal seized under Section 21 of the MMDR Act. The setting up of Smart Integrated Check Posts, which is a non-starter as per the report due to the unavailability of land, and action taken with regard to the closure of abandoned mines shafts, has also been touched upon.

4. The Status Report apart from the main areas has also addressed the issue of the Coal Audit Committee with regard to verification of records from DMR as to the consumption of coal and its source thereof, by the industries and also the applications for Scientific Coal Mining, as well as the other steps taken to curb illegal mining. It is submitted that active steps are being taken and though there might be

incidents of illegal mining, the State Government is committed towards eradicating the same. The Status Report is accepted and taken on board.

5. A 28th Interim Report has also been filed by the Hon'ble Mr. Justice (Retd.) B.P. Katakey Committee, which is exhaustive in its observations and recommendations. A perusal of the Report has highlighted 3 issues, which needs to be addressed immediately, first the detection of huge quantity of undocumented coal outside the CIL designated depots amounting to 1,92,840 tonnes, of which 1,80,299.48 tonnes has been detected in East Jaintia Hills, itself. The learned AG to this finding has prayed that he may be allowed to seek instructions and to file a report, as to how and why this has occurred. With regard to the quantity of illegal mined coal seized under the MMDR Act and the quantity of illegal mined coal found available, a report has already been furnished.

6. A second aspect which needs attention is that the MBDA (Meghalaya Development Basin Development Authority), which has been tasked with the job of interpretation of aerial maps and to make volumetric assessment of coal in certain areas of Villages of South West Khasi Hills, and if necessary to take the assistance of the North East Space Application Centre, has not been done. It has been noted in the report that the MBDA has not even cared to attend the meetings convened by the Committee, nor

has it taken any steps to interpret the aerial (UAV) survey maps in the 6 Villages in South West Khasi Hills, or generated any report thereupon.

7. The third aspect which needs urgent attention is with the issuance of Mining Transport Challans (MTC) issued by the Directorate of Mineral Resources, wherein in two instances it has been detected that the issuance of the same is in violation of clause 10 (c) of the Revised Comprehensive Plan, 2022, as the name and address of the owner and driver of the vehicle and their Mobile numbers and also the Mobile number of the owner of the coal has not been mentioned, apart from the fact that the vehicles that were checked were carrying Mineral Transport Challans issued under the numbers of different vehicles.

8. Accordingly, let a copy of the 28th Interim Report be made over to the State respondents with a direction that a detailed status report be filed, especially on the aspect of detection of excess coal by the Garuda UAV, in East Jaintia Hills. The learned AG has also prayed before the Court that the matters under the Specially Designated Courts with regard to coal ceased under Section 21 of the MMDA Act, be expedited. It is ordered accordingly and it is expected that the Special Courts dealing with the same dispose of the matters at the earliest.

9. With regard to the other aspects before necessary orders are passed, let a fresh Status Report be filed within 4(four) weeks.
10. List this matter on 02.06.2025, for further orders.

(W. Diengdoh)
JUDGE

(H.S. Thangkhiew)
JUDGE

Meghalaya
28.04.2025
"V. Lyndem PS"