

**BEFORE THE RAJMAHAL COURT OF ENQUIRY**

**MAIN BUILDING, DGMS,**

**DHANBAD**

08-11-2019  
[TRAJESH LALA]  
Advocate

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08/11/19

**STATEMENT ON OATH BY THE MANAGEMENT OF RAJMAHAL**

**OPEN CAST PROJECT OF M/S EASTERN COALFIELDS LTD (ECL)**

**PURSUANT TO THE PUBLIC NOTICE DATED 20/09/2019 ISSUED**

**UNDER THE SIGNATURE OF THE CHAIRMAN, RAJMAHAL COURT**

**OF INQUIRY**

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0.11.2019

The humble Statement on behalf of  
the Management of M/s Eastern  
Coalfields Limited.

**Most Respectfully Sheweth:**

1. A writ application being WP (PIL) No.66 of 2017  
was filed by one Md. Sharfaraz son of Sk. Amin  
R/O Mahagama, P.O & P.S. Mahagama District  
Godda was filed before the High Court of  
Jharkhand at Ranchi for issuing necessary  
directions upon the Respondents to provide  
speedy rescue of the persons who are under the  
Debris due to land slide at Rajmahal Open Cast  
Expansion Project, Lalmatia District Godda and  
to pay compensation to the families of the dead

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persons who died due to fault of the Respondents as also to furnish details of the workers deputed for mining work on the date of occurrence of the accident. A further prayer was made for issuance of show cause Notice to the erring officials as to why safety measures were not taken while doing the excavation work more particularly when at the place of accident the working had remained closed for the last 3 months due to crack in the earth. Additional prayer was also made for directing that the matter be investigated by the CBI.

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2. Notice of the writ application was served upon the

Respondents. Counter Affidavit dated

16/01/2017, supplementary Counter Affidavit

dated 23/01/2017 and Second Supplementary

Counter Affidavit was filed on behalf of the

Director General of Mines Safety. The

management of the Rajmahal group of mines of

Eastern Coalfields Limited filed a detailed counter

Affidavit in response to the allegations made by

the writ petitioner in the Public Interest

Litigation.

3. The State of Jharkhand and its Officers were also

directed to file their Counter Affidavit and

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accordingly on 30/1/2018 a Counter Affidavit was filed on behalf of the State of Jharkhand and its Officials.

4. The Union of India being represented by the Secretary, Ministry of Labour and Employment was also directed to file its counter affidavit and accordingly Counter Affidavit dated 30/4/2018 and 4/10/2018 have been filed by the Union Of India.

5. It is worth stating here that an IA being I.A. No. 653 of 2017 was filed for intervention by one Sri Jagdish Narayan Singh and after hearing the

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intervener in person, the Hon'ble Court allowed the aforesaid IA and permitted the intervener to make his submissions before the Hon'ble Court.

6. The Public Interest Litigation being WP (PIL) No.

66 of 2017 was heard on different dates commencing from 11/01/2017 and finally the said writ application has been disposed of by a Judgement and Order dated 5/4/2019.

Certified copies of the relevant and important Orders passed by a Division Bench of the High Court of Jharkhand at Ranchi in WP(PIL) No. 66 of 2017 are

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enclosed and marked as

**Annexure 1.**

7. That the operative portion of the Order No.17 dated 5/4/2019 passed by the Hon'ble High Court finds mention in paragraphs 5&6 of the said Order. Paragraph 6 of the said Order reads as under-

"6. We are of the opinion, however, scope for a Court of Inquiry to examine the causes and circumstances attending the accident is much wider and if any further safety steps or remedial measures are required to be taken, the Court of Inquiry can make recommendation in this regard. In such

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circumstances Central Government should consider appointing a Court of Inquiry for the purpose aforesaid as contemplated in Section 24 of the Mines Act, 1952. Such steps shall be taken by the Central Government preferably within a period of 16 weeks.”

8. The Order dated 5/4/2019 passed by the Hon'ble High Court of Jharkhand at Ranchi in WP No. 66 of 2017 was placed before the Central Government for its decision for constituting a formal Court Of Inquiry into the causes and the circumstances attending the accident and to

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make recommendations, if any, for further safety steps or remedial measures required to be taken.

Finally, considering all aspects of the matter the Ministry of Labour and Employment vide its Notification SO 2927 (E) dated 13/8/2019 since published in the Gazette of India (Extraordinary) dated 13/8/2019 has constituted the Court of Inquiry under the Chairmanship of Smt. Rashmi Verma the Former Secretary to the Government of India and the two Assessors namely Sri Akhter Javed Usmanee, representative of Hind Mazdoor Sabha and Sri. Rabindra Sharma, Ex- Chief Inspector of Mines & DGMS.

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A copy of the Gazette of India

Notification dated 13/8/2019 is

enclosed and marked as

**Annexure 2.**

9. That the Management of the Rajmahal Open Cast

Mine having come to learn about the public

Notice inviting submission of its stand before the

Learned Court of Inquiry, is submitting its

version through this Affidavit on Oath duly

Notarized.

10. Upon coming into force of The Coal Mines

[Nationalisation] Act, 1973 w.e.f 01.05.1973 the

Private Collieries vested in the Central

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Government. Right, title and interest of the Owners in relation to Coal Mines whose names and particulars are mentioned in Schedule I of the Act stood vested absolutely and free from all encumbrances in the Central Government on and from the appointed day, i.e. from 01.05.1973.

11. Further, under the provisions of **Section-5** of the Coal Mines [Nationalisation] Act, 1953 the Central Government directed vesting of such ownership in the Government Company, [Coal India Limited and its eight subsidiaries].

12. Eastern Coalfields Limited [ECL] registered under Section 617 of the Companies Act, having

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its registered head office at Sanctoria, Dishergarh, District: West Burdwan, [West Bengal] is one of the subsidiary Company of Coal India Limited, Kolkata. It is engaged in the business of raising and selling of Coal.

Rajmahal Group of Mines is one of the Areas of Eastern Coalfields Limited under which Rajmahal Open Cast Project and its extension Project are operational for production of Coal.

13. The Coal Bearing Areas [Acquisition and Development] Act, 1957 (herein after referred to as the CB Act, 1957) has come into force w.e.f 12.06.1957 vide Gazette Notification

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No.S.R.O.1931 dated 10.06.1957. It has been enacted in the economic interest of India, greater public control over the coal mining industry and its development by providing for acquisition by the State of unworked land containing or likely to contain coal deposits or of right in or over such land, for examination or modification of such rights accruing by virtue of any agreement, lease, licence or otherwise, and for the matters connected therewith.

Few Patches of lands bearing rich coal deposits have been acquired & vested in the Central Government under Section-10 of the CB Act, 1957 and has been further ordered to vest in

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the Government Company [ECL herein] under  
Section 11 of the CB Act, 1957.

14. The patch of Coal situated at Daharnangi  
Mouza and other Mouzas falling in the District of  
Godda have been acquired under the provisions  
of CB Act, 1957 for Rajmahal Open Cast  
Expansion Project under Rajmahal Area of ECL  
and Coal Mining is in operation since 1981-82.  
The approximate total area of the said coal  
patches is around 2402 Hectares.

15. Mine workings more particularly for Open  
Cast workings "Mining Permission" under

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Regulation 98(1) & 98 (3) & 100 (1) of the Coal Mines Regulations, 1957 have been granted by the Deputy Director of Mines Safety in the Office of Director General Mines Safety [DGMS], Government of India, Sitarampur Region No.IV vide Letter No.1182 [Sitarampur] dated 08.04.1987 and also by Letter No.1637 [Sitarampur] dated 05.07.2012.

Photocopies of the Letter No.1182

[Sitarampur] dated 08.04.1987

and Letter No.1637 [Sitarampur]

dated 05.07.2012 are hereby

annexed and marked as

**Annexure-3 & 4** respectively.

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16. There also exists a "Working Plan" of Rajmahal OCP under Rajmahal Area of ECL and the entire mining operations are being carried out as per the Mining Plan and all safety measures & standards were being taken by the ECL Management and also by the Working Contractor of the said Patch of re-handling job of OB where the accident has taken place in the afternoon of 29.12.2016.

17. The Mining operations are being conducted under strict control and supervision of the ECL Management under statutory supervision and directions of DGMS Authorities

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issued at regular intervals. The Mining Plan/  
working plan of the mines in question shall be  
produced by the Management subsequently at  
the time of hearing before this learned Court of  
Inquiry.

18. Since mining operations were to be  
conducted through Open Cast mode and use of  
Explosives for blasting purposes was required,  
the management applied for grant of permission  
for blasting by use of explosives and the  
competent Authority of DGMS has granted  
“Explosive Blasting Permission” for the Mines  
under Rajmahal Area / Rajmahal OCP, Godda,

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vide their Letter No.1672 / Sitarampur dated  
23.07.2014 under Regulation 170(1A) &  
170(1B)(b) of the Coal Mines Regulation, 1957.  
Similar permissions have been granted vide Letter  
No.1037 / Sitarampur dated 22.06.2015 and  
Letter No.963 / Sitarampur dated 29.06.2016.

Photocopies of Letter No.1672 /  
Sitarampur dated 23.07.2014;  
Letter No.1037 / Sitarampur dated  
22.06.2015 and Letter No.963 /  
Sitarampur dated 29.06.2016 are  
hereby annexed and marked as

**Annexure-5, 6 & 7.**

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19. The Ministry of Labour and Employment,  
New Delhi issued **Gazette Notification**  
**S.O.3284[E] dated 07.12.2015** in exercise of  
powers conferred by Section 31 of the Contract  
Labour (Regulation and Abolition) Act, 1970 in  
consultation with the Central Advisory Contract  
Labour Board by exempting Coal Companies  
under Coal India Limited [including ECL] from  
applicability of Notification of the Government of  
India, Ministry of Labour issued under Section 10  
(1) of the CLRA Act vide S.O.2063 dated  
21.06.1988, for a period of 5 years w.e.f. the date  
of publication of the Notification in the Official  
Gazette.

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07.12.2015

Photocopy of the Notification

No.2063 dated 21.06.1988 **and**

Notification No.3284[E] dated

07.12.2015 are hereby annexed

and marked as **Annexure-8 & 9**

**20.** Considering the exemption from the prohibition Notification issued under Section 10(1) of the CLRA Act M/s Mahalaxmi Infracontract Private Limited, Ahmedabad in joint venture with NKAS Services Private Limited of Durgapur [jointly known as MIPL-NKAS (JV)] was awarded a **Work Order dated 27.09.2016** for the following work-

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“Hiring of HEMM for re-handling of  
13.44L.Cum OB along fault near Kaveri  
Sump of Rajmahal OCP under Rajmahal  
Area of ECL.”

- 21.** The work order followed by the agreement  
between M/s ECL and M/s MIPL-NKAS (JV)  
would reveal the fact that the work of re-handling  
of old Over Burden dump at Rajmahal Open Cast  
Expansion Project under Rajmahal Group of  
Mines Area of Eastern Coalfields Limited at  
Lalmatia, District Godda was being performed by  
the Contractor.

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**22.** It would not be out of place to mention here that Rajmahal Area of Eastern Coalfields Limited at the relevant period was given a target to produce 17 Million Tonne per year. The Coal raised was dispatched to NTPC Kahalgaon [Bihar], NTPC Farakka [West Bengal] & NTPC Barh [Bihar].

The Mine is partially outsourced. At present there are two outsourcing agencies namely-

(a) RCML (Period of contract 22.10.2012 to 21.10.2015) for removing over burden in different Coal Patch and

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(b) M/s MIPL-NKAS (JV) (period of contract 07.04.2015 to 06.04.2017) for Re-handling of over burden.

A part of the OB is also removed departmentally by use of HEMM.

One part of OCP is deep mining area where coal is found on the lower horizon. For this patch around 20 million cubic meter of OB and 07 million tons of coal were outsourced to M/s MIPL-NKAS (JV). This agency was permitted to work in the deep mining area (Dehar Nangi Patch) for removing loose OB (Re-handling).

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23. The Mining Plan available with the Management contained only identified faults/shear zones in Deep Mining Zone. Due to presence of unidentified faults/ shear zones in deep mining zone Bench movement of batter wall could not be identified in advance.

24. All of a **sudden**, a Mines Accident occurred in the After Noon Shift [i.e., 2<sup>nd</sup> Shift] on 29.12.2016 at around 07:30 PM during the re-handling of Over-Burden (OB) at Rajmahal Open Cast Expansion Project under Rajmahal Group of Mines Area of Eastern Coalfields Limited at Lalmatia, District Godda.

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**25.** Benches of Coal and OB slided down followed by OB Dump Slide, measuring about 600M X 110M slided vertically down by about 30M. 5 Excavators, 12 Trippers and 1 Dozers, working on the bench got buried in the slided Over Burden.

**26.** As per Form-B maintained by the Agency, 23 Contractor workers were reportedly buried inside the soil due to sudden sliding of Over-Burden who was engaged in the work of Re handling of Over Burden on the date of Accident i.e. 29.12.2016.

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Photocopy of the FORM B of  
MIPL-NKAS (JV) is hereby  
annexed and marked as

**Annexure-10.**

27. It is a matter of record that immediately  
after the accident information was given by the  
project to ECL Headquarters, the State /District  
Administration. The "Director General of Mines  
and Safety" [D.G.M.S.] was informed by the  
Authorities of ECL, as required under Section 23  
of the Mines Act, 1952 and also the Local  
Administration / Local Police about the Mines  
Accident.

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On receiving information, 2 Rescue Teams alongwith one Superintendant [Rescue] rushed to Rajmahal from Mines Rescue Station, Sitarampur.

Director Technical [Operation] & Director Technical [Project & Planning] also rushed to the Mines Accident Site and were present at the site on the same night from 01:30 A.M. onwards. Executive Director [Safety] also inspected the site on 31.12.2016.

Control Rooms at Ministry of Coal, Coal India Limited and ECL Head Quarter were established and one Executive of Mining Discipline from Safety Department of ECL, HQ

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was posted in each shift with other officers of ECL, HQ.

Emergency Control Room at Rajmahal Area and Rajmahal OCP were also established simultaneously and were running round the clock. The Police and State Administration were informed for necessary help. Three lights were fitted at the spot to make approach roadways for rescue and recovery work.

Ambulances and Doctors were ready at the top of the Accident Site. DC & SP Godda camped at Rajmahal OCP in the night of 29.12.2016 onwards.

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The rescue Operation & recovery work commenced immediately and were in full swing. The rescue work started by ECL Management and its Safety Team. CRPF and the Local District Administration / Police also cooperated in the rescue operation. The NDRF Team was also deployed by the Central Government for the said Mines Accident Rescue Operation and the said team also operated in full swing for carrying out operation of the said Mines Accident.

28. On 30.12.2016, 11 dead bodies of Contract Labourers were recovered along with 8 Tippers and 3 Excavators. The Rescue and recovery

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works were carried out under the guidance of  
NDRF Team and Mines Rescue Personnel.

29. On 31.12.2016 five dead bodies were  
recovered along with 1 Excavator, 1 Tipper and 1  
Dozer. This work was done by the same rescue  
team members.

30. On 01.01.2017 two more dead bodies were  
recovered. Till date 18 bodies have already been  
recovered. Total Machineries recovered are as  
follows: -

(i) 5 Excavators,

(ii) 12 Tippers &

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(iii) 1 Dozer.

31. On 02.01.2017, in the first shift rescue and recovery work continued but no more bodies were recovered.

32. On 03.01.2017, 6 numbers of Excavators, 3 Dozers and 1 Pay-loader were deployed for combing operation but no other body was found.

33. On 04.01.2017, an ECL Departmental Back-Hoe Machine was also deployed for recovery operation. However, no more bodies were found

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despite hectic, search operations were carried out.

34. On 05.01.2017, strata movement was observed due to which no machine or person was deployed and rescue operations came to a halt. Since then, strata movement was continuously observed and no more rescue & recovery operation was conducted.

35. It is relevant to state here that one Expert Committee was formed by M/s Coal India Limited and visited the place and the said committee advised to have a comprehensive plan for further

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rescue and recovery operation which was also agreed by the DGMS.

36. The comprehensive plan elaborates the procedure of rescue & recovery and the quantum of OB which is required to be removed for making the place safe. As per the estimate so prepared, millions of cubic meter of OB was to be removed from the place. Meanwhile approach road at the site was prepared departmentally.

37. For preparation of the Rescue Plan, Survey Work commenced and it got finished on 12.01.2017. Rescue Plan was prepared by

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CMPDIL and vetted, firstly by ISO, ECL and  
Secondly by a 3 Member Technical Expert  
Committee comprising of

- (i) Shri V.K. Singh [Scientist from CIMFR,  
Dhanbad];
- (ii) Prof. Phalguni Sen, IIT (ISM) Dhanbad;
- (iii) Dr. I. Roy [Professor] BIT Mesra.

The Rescue Plan was implemented in the  
field and approved by DGMS. The approved plan  
is being implemented in the field the rescue and  
recovery operation is continuing till date.

38. The "NDRF Team" as well as the Rescue  
Safety Team of ECL, under the supervision of

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local administration and local Police, CRPF who were immediately deployed for immediate rescue of the bodies of the victim, recovered 18 dead bodies of the Contractor Labours. Further huge quantity of OB is still being removed by the ECL Rescue Team.

Initially 18 dead bodies were recovered from the Mines Accident Area and 5 were reported to be missing as revealed by a Report of the ECL Internal Safety Organization [ISO]. Subsequently three more dead bodies have also been recovered.

39. It is worth mentioning here that an **FIR** dated **30.12.2016** being Lalmatia P.S. Case

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No.104/2016 has been lodged by the Informant-  
Sri Rajiv Kumar, Block Development Officer,  
Boraijore, Godda against the Officers of M/s  
Mahalaxmi Infracontract Pvt. Ltd. and the Mines  
Manager of ECL and other Officers under  
Sections 287,337,338,304-A/34 of IPC and  
Sections 86 & 92 (5) of the Mines, Health and  
Safety Act, 1996.

Subsequently Sections 467, 468, 471, 304  
IPC has been added by Learned CJM, Godda in  
the FIR as per the request of the prosecution vide  
Order dated 09.03.2017.

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40. It is also pertinent to mention here Sri Promod Kumar, Manager (Mines) of the said Project of ECL, being aggrieved by the lodgement of Lalmatia P.S. Case No. 104 of 2016, filed **Cr.M.P. No.738 of 2017** for quashing the entire criminal proceeding pertaining to Lalmatia P.S. Case No.104 of 2016 dated 30.12.2016 [Corresponding to G.R. No.1667 of 2016] pending before the learned C.J.M. at Godda and also for quashing the Order dated 09.03.2017 passed by the learned CJM Godda under Sections 467/468/471/304 IPC which have been added in the said F.I.R.

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The matter was heard on **24.04.2017** and the Hon'ble Court has been pleased to Order as Under: - "Until further orders, there shall be no coercive action in connection with Lalmatia P.S. Case No.104 of 2016 [G.R. No.1667 of 2016], pending in the Court of learned CJM, Godda".

Photocopy of the FIR in Lalmatia P.S. Case No.104/2016 and the Order dated 24.04.2017 passed in Cr.M.P. No. 738 of 2017 are hereby annexed and marked as **Annexure-**

**11 & 12**

41. The DGMS Personnel's reached Mines Accident Site and commenced enquiry under

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Section 23[2] of the Mines Act, 1952 i.e., Special Statute in this regard.

42. At this stage it also worth stating here that in the present W.P. [PIL] No.66 of 2017 direction was issued to the DGMS, Dhanbad to conclude the enquiry and submit the Enquiry Report in sealed cover before this Hon'ble Court. In compliance to the direction of the Hon'ble High Court, the DGMS Authorities has submitted detailed Enquiry Report before the Hon'ble Court on 30.06.2017.

However a copy of Enquiry Report has not been served to ECL Management.

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43. The Inspector of Mines, also designated as Director General of Mines Safety [DGMS] after making enquiry under the provisions of Mines Act, 1952 has lodged a **Criminal Case being Criminal Case No.CR/22 of 2017** before the learned Chief Judicial Magistrate at Godda under Section 200 (a) of the Cr.P.C. against Sri Bhola Nath Shukla, nominated Owner & Director Technical [Operation] and 15 other Officers of M/s Eastern Coalfields Limited [including Sri Pramod Kumar, Manager (Mines)] for contraventions of the provisions of Regulations-43 (1) (e) & (6); Regulations-44 (1) (b) & (6) (a); Regulations-49 (1) (a) & (2) (a); Regulations- 50 (a)

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and (d) Regulations-98 (1) & (3) of the Coal Mines Regulations, 1957. The above contraventions constitute offences which are punishable under Section 70 (1), 72A, 72C (1) (a) and 73 of the Mines Act, 1952.

True Photocopy of the Criminal

Case No.CR/22 of 2017 is

annexed and marked as

**Annexure-13.**

44. It is a well settled Principle of law that on basis of the enquiry held under Section-23 (2) of the Mines Act, 1952 by the DGMS and its Enquiry Report, the Central Government is empowered to appoint "Court of Enquiry" under Section 24 of the Mines Act, 1952. In

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absence of such report the Mines Officials cannot be legally charged and connected with the aforesaid offence under the provisions of IPC. No parallel enquiry can be made in view of the instructions of the Central Government in cases of Mines Accidents and instituting cases thereof under IPC where the Inspector of Mines had commenced enquiry, in such cases no Police Officer should start a fresh investigation until the enquiry in progress has been completed by the authority of DGMS and should wait for the reports of the Mines Inspector before filing the case in the Court of Law.

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45. It settled a Principle law that under Section 75 of the Mines Act, 1952 no prosecution shall be instituted against any owner / Agent or Manager or any offence under the Act except at the instance of the Chief Inspector of Mines or by the Inspector authorized in this behalf by the Chief Inspector.

46. It is also worth submitting here that if the offence does not result in any loss of life or serious bodily injury, but if the offence contravenes any provision of the Act, Regulations, Rules, Bye-laws or any order made thereunder, Clause (a) and (b) provides for punishment. It has been provided that if non-compliance results in loss of life, punishment is

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awardable. Thus where offence does not result in loss of life, but offence exists for non compliance of orders and directions made in this order.

47. The Police has assumed jurisdiction on the ground of loss of life and bodily injury to persons. Number of persons might have lost life but when the loss of life, not withstanding the number of lives is due to an accident occurring due to non-compliance of certain rules and regulations of the Act or the Rules or the Regulation made therein, all the offences, notwithstanding the loss of life, will be covered by various Sections of the Act and Rules and Regulations

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for which punishment has been prescribed under Section 72 of the Act.

48. The Mining Operations are always hazardous and risky for life and serious bodily injuries to the employees and officers are always there. Because of the nature of the work itself and the hazard ingrained therein, if any loss of life occurs, it does not mean that any person in fact had any intention to cause the death of the persons who lost their lives in course of operation in which they had been engaged. Thus, the necessary ingredients for an offence under Section 299 IPC punishable under Section 304 IPC will be wanting in such cases and similarly, the recklessness

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and negligence will remain as the cause of loss of lives.

However, for recklessness and negligence there is punishment prescribed in law, i.e. under Section 72C of the Mines Act, 1952.

49. The Investigation conducted by the Investigating Officer in respect to Lalmatia Police Station Case No.104 of 2016 is without jurisdiction.

50. Twenty One dead bodies of contract labours have been recovered and after conducting Postmortem, the District Administration has handed over the said dead bodies to their respective family members for performing last rites.

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51. The family members of the victim have been paid ex-gratia compensation of Rs.5,00,000/- each by the ECL Management.

Photocopy of the Officer Order

No.932 dated 11.01.2017 are hereby

annexed and marked as **Annexure-**

**14** to this Counter Affidavit.

52. The Management of Eastern Coalfields Limited has also deposited compensation amount payable before the Employee's Compensation Commissioner-cum-Presiding Officer, Labour Court, Deogarh under Employee's Compensation Act, 1923.

Photocopy of the details of

Compensation under Employee's

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Compensation Act, 1923 alongwith  
respective Cheques are hereby  
annexed and marked as **Annexure-**

**15 Series**

53. The Contractor MIPL-NKAS (JV) has also been paid  
Additional Compensation amount of Rs.5,00,000/- to  
the family members of the deceased victim. Rs.  
16,000/- was paid towards cremation cost during  
handing over of the dead bodies after post mortem.  
Vehicles for transportation of the bodies for cremation  
were provided. The Chief Minister, Government of  
Jharkhand declared Rs. 2.0 lakhs to be paid to the  
family of each deceased.

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54. The mining operations in Rajmahal Open Cast Extension Project were exclusively being done as per the provisions of the Mines Act, 1952; the Coal Mines Regulation, 1957 and with due permissions and directions of the Statutory Body namely DGMS and under their strict supervision. The ECL Officials have performed their duties in accordance with law.

Further re-handling of Over Burden was also being carried out by the said Contractor MIPL-NIKAS (JV) as per the terms of Agreement / Bid Documents / Work Order and strict supervision of ECL Management and Statutory supervision & direction of DGMS.

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55. The DGMS Statutory Authorities have regularly conducted Inspection at regular intervals and they have verified & certified the compliance of any such violation as reported by them, if any.

56. That at this juncture it is worth submitting here that the DGMS Authorities who have been conducting regular inspection of the mine had also carried out an inspection few days prior to the said Mines Accident dated 29.12.2016. The DGMS Authorities who had carried out inspection of Rajmahal Open Cast Project did not found find any violation in Mining Operation within the Project and at the site of Re-handling of Over Burden.

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57. Thus the "Coal Mining Operation" and "re-handling of OB" were being carried out strictly in compliance to the provision of Mining Law / Act / Rules / Regulations / Circulars / Mining Plan / Statutory Directions, etc.

58. The Mining Operation carried out by ECL and Re-handling of Over-Burden by the Contractor progressed gradually and smoothly in usual pace in compliance of the Mining Laws and under strict supervision and control of the concerned Officials of Eastern Coalfields Limited and the Statutory Bodies. Controlled Blastings were carried out in the Coal Mining Area of Rajmahal

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OCP as per the approval of the Officers and Statutory Authorities.

59. Re-handling of the Over Burden at Rajmahal OCP was done in accordance with law by the Contractor under strict supervision and control of ECL Management under applicable Mining Law and Prescribed Standards. There were no violations committed by the Contractor or the ECL Management. The workings had the approval of DGMS Authorities given at regular intervals of inspection. All necessary protection had been followed by the Mining Officials and these Officials had never shown their reluctance or negligence on their part. No casualty ever occurred

SAURABH SUNNY  
02.11.2017

prior to the accident in question. The statutory authorities of DGMS, in exercise of powers conferred upon them under Section 22 of the Mines Act, 1952 had the authority to issue prohibitory Orders and removal of men and machinery, at no stage pass such Orders as they were of the definite Opinion that any accident is likely to occur.

60. The back analysis of failure mode of both batter and OB dump reveals the facts noted hereunder-

- i. It has been observed that a no. of unidentified fault plains/ shear zones were existing in the deep mining zone.

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ii. The attitude (IE strike direction, dip direction and dip amount ) of unidentified fault plain was such that it intersected the batter on the down throw side of fault F8-F8 leading to potential plane failure block. These facts could be revealed only after technical study has been carried out at the accident site.

iii. Other than the plane failure formation of potential dangerous wedge due to presence of other fault plains on both ends of failure block might have added to the instability of the matter. This failure mechanism is yet to be finally confirmed.

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iv. The above orientation, position and dip angle of unidentified fault plains / zones intersecting batter forming both plane and wedge failure may be responsible for failure in the batter.

v. The abovementioned batter failure has resulted in the dump failure.

61. The Management of Rajmahal Open Cast mine under M/s Eastern Coalfields Ltd. reserve their right to file further Affidavit/ affidavits as and when required or as may be directed to be filed by this Learned Court of Inquiry.

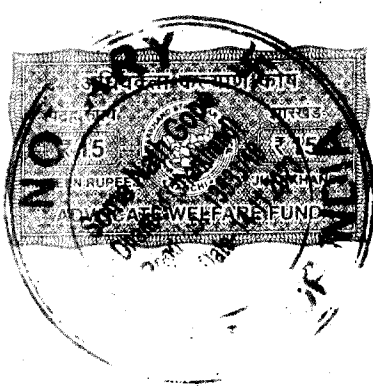
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62. That the Management Statement is being filed

Bona fide and in the interest of Justice.

1  
Post  
Advocate  
08-11-2019





NOTARY  
DHANBAD

I, Saurabh Sunny, Aged about 31 Years S/o Sri K.P. Singh,

Resident of: - Urja Nagar, Post Office: - Mahagama, Police

NOTARY  
DHANBAD

Station: - Mahagama, District: Godda, State: - Jharkhand, do  
present r/o Mr. Kiran Bhushan Helder, 100 S, Sri Hari Residene  
hereby solemnly affirm and state as follows: - Katras Road, Matkuma,  
Dhanbad

NOTARY  
DHANBAD

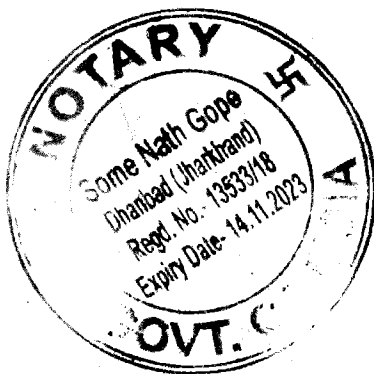
1. That I am the Assistant Manager [Personnel] and as such  
acquainted with the facts of the case.

2. That I am competent to affirm this affidavit on behalf of  
M/s ECL.

3. That I have myself gone through the contents of this  
affidavit and understood the same and the Annexure are the  
true copies of its originals.

4. That the statement made in paragraphs - 28, 29, 30, 31,  
32, 33, 34, 36, 38, 41, 50 - are true to my knowledge those  
made in paragraphs - 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,  
15, 16, 18, 19, 20, 22, 26, 27, 35, 37, 39, 40, 42, 43, 51,  
52, 53, 55, 56, 59 - are true to my information derived from  
the record of this case.

SAURABH SUNNY  
DEPONENT  
0.11.2019



SL No. 08 NOV 2019 Date

### VERIFICATION

I, Saurabh Sunny, Aged about 31 Years Son of: - Sri K.P. Singh, Resident of: - Urja Nagar, Post Office: - Mahagama, Police Station: - Mahagama, District: Godda, State: - Jharkhand, at present posted as Assistant Manager [Personnel] at Rajmahal Area of M/s ECL do hereby verify that the contents of Paragraphs - 28, 29, 30, 31, 32, 33, 34, 36, 38, 41, 50 - are true to my personal knowledge and no part of it is false and nothing material has been suppressed by this deponent.



*S. Gope*  
08/11/2019  
NOTARY  
DHANBAD

SAURABH SUNNY  
Deponent  
08.11.2019

Identified by: -

*Rajesh Lala*  
08-11-2019  
Rajesh Lala  
Advocate

**Authorised**  
u/s (b) of the Notaries  
Act 1952 (Act No 53 of 1952)