

J
ITEM NO.331
[PART-HEARD]

COURT NO.6

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 435 OF 2012

GOA FOUNDATION

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With application for directions, modification of Court's order and direction/modification, intervention, interim Relief, impleadment, modification, stay/direction, clarification of Court's order, permission to file additional affidavit and office report)

WITH
WRIT PETITION) NO. 99/2013
M/S H.L. NATHURMAL V. UNION OF INDIA AND ORS.]
(With application for ex parte stay, directions and office report)

T.C. No.136/2013 @ T.P.(C) NO. 8 of 2013
[V.M. SALGAOCAR & BROTHER PVT. LTD. & ANR. V. THE SHAH COMMISSION OF INQUIRY & ORS.]
(With office report)

T.C. No.133/2013 @ T.P.(C) NO. 230 of 2013
[GOA MINING ASSOCIATION V. SHAH COMMISSION & ORS.]
(With application for ex-parte stay and office report)

IA NO. 2580 & 2669 in IA 2580 in WP(C) NO.202/1995
[T.N. GODAVARMAN THIRUMULPAD V. UNION OF INDIA & ORS.]
(Recommendations of CEC in Application No. 1041 and directions)

T.C. No.131/2013 @ T.P.(C) No. 1441 of 2013
[DEEPAK M. GHARSE V. UNION OF INDIA & ORS.]
(With office report)

T.C. No.132/2013 @ T.P.(C) No. 1186 of 2013
[M/S. PANDURANG TIMBLO INDUSTRIES & ORS. V. THE SHAH COMMISSION OF INQUIRY AND ORS.]
(With office report)

T.C. No.143/2013 @ T.P.(C) No. 574 of 2013
[SOCIEDADE TIMBLO IRMAOS LIMITADA & ANR. V. UNION OF INDIA & ORS.]
(With office report)

T.C. No.140/2013 @ T.P.(C) No. 766 of 2013
[ANA BERTA DO REGO E. FERNANDES & ANR. V. UNION OF INDIA & ORS.]
(With application for ex-parte stay and office report]

T.C. No.142/2013 @ T.P.(C) No. 770 of 2013
[SOCIEDADE TIMBLO IRMAOS LIMITADA & ANR. V. UNION OF INDIA & ORS.]
(With application for ex-parte stay and office report]

T.C. No.141/2013 @ T.P.(C) No. 776 of 2013
[SHRI ALEIXO MANUAL C.P. DA COST V. UNION OF INDIA & ORS.]
(With application for ex-parte stay and office report]

T.C. No.139/2013 @ T.P.(C) No. 836 of 2013
[KUNDA RAGHUVIR GHARSE V. UNION OF INDIA & ORS.]
(With application for ex parte stay and office report)

T.C. No.134/2013 @ T.P.(C) No. 864 of 2013
[NOOR MOHD. ABDUL KARIM & ANR. V. UNION OF INDIA & ORS.]
(With application for ex parte stay and office report)

T.C. No.135/2013 @ T.P.(C) No. 866 of 2013
[KAMALINI RAMAKANT PAIGUINKAR & ORS. V. UNION OF INDIA & ORS.]
(With application for ex parte stay and office report)

T.C. No.138/2013 @ T.P.(C) No. 869 of 2013
[M.S BADDRUDINHASSAINBHAI MAVANI V. UNION OF INDIA & ORS.]
(With application for ex parte stay and office report)

WRIT PETITION) NO. 184 of 2013
[RAJESH P. TIMBLOO V. UNION OF INDIA & ORS.]
(With application for permission to file additional documents and office report)

IA NO. 1000 with 982-984, 1026-1028, 1123-1124, 1197-1199, 1210-1211, 1250-1251, 1512 and 1412 in 887 with 1992 in WP(C) No. 202 of 1995
[T.N. GODAVARMAN THIRUMULPAD V. UNION OF INDIA & ORS.]
(For directions, recommendation of CEC, impleadment and exemption from filing official translation)

SLP(C)... CC 6594/2007
[STATE OF M.P., DEPTT. OF MINR. RES. TR. OIC. V. RAJEEV GOSWAMI & ORS.]
(With application for condonation of delay in filing SLP and office report)
WITH
IA Nos. 170-175 in WP(C) NO.460/2004
[GOA FOUNDATION V. UNION OF INDIA]
(For direction and impleadment)

IA NOS. 176-178 in WP(C) NO.460/2004
[GOA FOUNDATION V. UNION OF INDIA]
(For impleadment, direction, permission to file additional documents)

Date: 11/11/2013 These Petitions/Applications were called on
for hearing today.

CORAM :
HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

AMICUS CURIAE

Mr. Harish N. Salve, Sr. Adv. (NP)
Mr. Uday Umesh Lalit, Sr. Adv. (NP)
Mr. A.D.N. Rao, Adv.
Mr. Siddharth Chowdhury, Adv.
Mr. M.K. Jivarajika, Member Secretary
Central Empowered Committee

For Petitioner (S) Mr. Prashant Bhushan, Adv.
In WP 435 Ms. Norma Alvares, Adv.
Mr. Pranav Sachdeva, Adv.

In WP 99 Mr. Amit Sharma, Adv.
Mr. Kunal A. Cheema, Adv.

In WP 184 Mr. Rohit M. Alex, Adv.
Mr. P.S. Sudheer, Adv.
Mr. Rishi Maheshwari, Adv.
Mr. Anshul Gupta, Adv.

In Rest of the TPs Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Rayan, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In TP 1441 Mr. R.A. Dada, Sr. Adv.
Mr. Yashraj Singh Deora, Adv.

In TP 574 For M/s Mitter & Mitter Co., Advs.

In TP 1186 Mr. Ranjit Kumar, Sr. Adv.
Mr. Nitin Sardesai, Adv.
Mr. Santosh Paul, Adv.
Mr. Arvind Gupta, Adv.
Mr. Piyush Sharma, Adv.
Ms. Savita Singh, Adv.
Mr. Santosh S. Anurlekar, Adv.
Mr. Sanmit Bodke, Adv.
Mr. Harish Pandey, Adv.

For Applicant (s)
In IA 1, 35 & 76
Goa Foundation Mr. Prashant Bhushan, Adv.
Ms. Norma Alvares, Adv.
Mr. Pranav Sachdeva, Adv.

In IA 3
Goa Mining Labour Mr. Colin Gonsalves, Sr. Adv.
Welfare Union Ms. Jubli Momalia, Adv.
Ms. Jyoti Mendiratta, Adv.

In IA 5 & 6 Mr. Amit Sharma, Adv.
M/s HL Nathurmali Mr. Kunal A. Cheema, Adv.

In IA 7 & 8
Goa Mining Assn. Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Advs.

In IA 10 & 72 Mr. Mukul Rohtagi, Sr. Adv.
Sesa Goa Ltd. Mr. Ninad Laud, Adv.
Ms. Meenakshi Chatterjee, Adv.
Mr. Jayant Mohan, Adv.

In IA 11, 12 & 60 Ms. Kiran Suri, Sr. Adv.
Cose Costa & Sons Mr. S.J. Amith, Adv.
Mr. Nakibur Rahman Barbhuiya, Adv.
Ms. Ritika Gambhir, Adv.
Dr. (Ms.) Vipin Gupta, Adv.

In IA 13, 14 & 59 Mr. R.A. Dada, Sr. Adv.
Sociedade Timblo Mr. Yashraj Singh Deora, Adv.
Irmaos Limitada Ms. Anupama Dhurve, Adv.
Mr. Abhishek Puri, Adv.
Mr. Parag Rao, Adv.
Ms. Swati Kamat, Adv.
Mr. Linette Rodrigues, Adv.
For M/s. K.J. John & Co., Advs.

In IA 15 & 16 Ms. Triveni Poteker, Adv.

Garge Barge Owners' Assn. Mr. Chandra Shekhar Ashri, Adv.

In IA 17 & 18 Mr. K.K. Venugopal, Sr. Adv.
Aleixo Manual Mr. Chander Uday Singh, Sr. Adv.
C.P. Costa Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.

In IA 19, 20 & 21 Mr. Shikhil Suri, Adv.
Salvia Oliver Mr. Shiv Kumar Suri, Adv.
Rodrigues Mr. Chandrika Prasad Mishra, Adv.

In IA 22 & 77 Mr. Shikhil Suri, Adv.
Sudip N. Tamankar Mr. Shiv Kumar Suri, Adv.
Mr. Chandrika Prasad Mishra, Adv.
For Mr. P.V. Yogeswaran, Adv.

In Ias 23-33 Mr. K.K. Venugopal, Sr. Adv.
Ramcanta Visnum, Mr. Chander Uday Singh, Sr. Adv.
Sociedade Sir Maha Mr. Pratap Venugopal, Adv.
Laxmi, Shaikh Ms. Surekha Raman, Adv.
Abdul Kuddus Mr. Varun Singh, Adv.
Com. Mineraria Pro. Ms. Meenakshi Chauhan, Adv.
Ltda. Bhanudas, Mr. Anuj Sarma, Adv.
Emco, Shashikala, Mr. Gaurav Nair, Adv.
Atchuta Visnum,
Rajaram Bandekar
Mines, Smt. Shakuntala
bai & Orient Goa

In IA 38 Mr. M.N. Krishnamani, Sr. Adv.
Dr. Prafulla R. Mr. Bhavani Shankar Gadnis, Adv.
Hede Mines Mr. A. Venayagam Balan, Adv.

In IAs 39-40 Mr. K.K. Venugopal, Sr. Adv.
Motiram Data Mr. Chander Uday Singh, Sr. Adv.
Goundalkar Mr. Pratap Venugopal, Adv.
Ghanshyam Ms. Surekha Raman, Adv.
Sardesai Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 41, 71 & 72
M/s. Bandekar Bros Pvt. Ltd. Mr. C.A. Sundaram, Sr. Adv.
Mr. Parijat Sinha, Adv.
Ms. Reshmi Rea sinha, Adv.
Mr. Anil Kumar Mishra, Adv.
Mr. S.C. Ghosh, Adv.

In IA 42
M/s Madachem Bat Mines Pvt. Ltd. Mr. C.A. Sundaram, Sr. Adv.
Mr. Parijat Sinha, Adv.
Ms. Reshmi Rea Sinha, Adv.
Mr. Anil Kumar Mishra, Adv.
Mr. S.C. Ghosh, Adv.

In IA 43 & 44
Village Panchayat of Kirlapal-Dabal & Ors.
Ms. Madhu Sikri, Adv.

In IA 45 Mr. K.K. Venugopal, Sr. Adv.

M/s Baddruddin Mr. Chander Uday Singh, Sr. Adv.
Hussainbhai Mavani Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Advs.

In IA 46

Kamalini Ramakant
Painguinkar & Ors. Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Advs.

In IA 47

Pandurang Timblo Mr. Ranjit Kumar, Sr. Adv.
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Mr. Santosh Paul, Adv.
Mr. Arvind Gupta, Adv.
Mr. Piyush Sharma, Adv.
Ms. Savita Singh, Adv.
Mr. Santosh S. Anurlekar, Adv.
Mr. Sanmit Bodke, Adv.
Mr. Harish Pandey, Adv.

In IA 48 & 49 Mr. Rohit M. Alex, Adv.
Rajesh P. Mr. P.S. Sudheer, Adv.
Timblo Mr. Rishi Maheshwari, Adv.
Mr. Anshul Gupta, Adv.

In IA 50 Mr. Braj Mishore Mishra, Adv.
M/s Sarda Energy Mr. Shivam Sharma, Adv.
& Minerals Ltd. Mr. Vikram Patralekh, Adv.
Mr. Mohan Pandey, Adv.

In IA 51

M/s Noor Mohd.
Abdul Karim & Anr. Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 52

Ramesh Sajo Mr. Shikhil Suri, Adv.
Gauns & Ors. Mr. Shiv Kumar Suri, Adv.
Mr. Chandrika Prasad Mishra, Adv.

In IA 53

Girish M. Mr. Sriram Parakkat, Adv.
Tendulkar & Ors. Mr. Ishaan George, Adv.
Mr. Vishnu Shankar Jain, Adv.
Mr. Girish Tendulkar, Adv.
Ms. Sudha Gupta, Adv.

In IA 54

Gomantak Inv. Mr. Ninad Laud, Adv.
Pvt. Ltd. Ms. Aparna Singhal, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.

Mr. E.C. Agrawala, Adv.

In IA 55 & 56 Mr. Ninad Laud, Adv.
Damodar Mangalji & Co. Ltd. Ms. Aparna Singhal, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. E.C. Agrawala, Adv.

In IA 57
Geetabala Manohar Naik Parulekar Mr. Dhruv Mehta, Sr. Adv.
Mr. Yash Raj Deora, Adv.
Mr. Anupam Dhurve, Adv.
Ms. Jayashree Wad, Adv.
Mr. Ashish wad, Adv.
Ms. Tamali Wad, Adv.
Ms. Kanika Baweja, Adv.
Ms. Niharika Bapna, Adv.
Ms. Maria Fatima Noronha, Adv.
For M/s J.S. Wad & Co., Advs.

In IA 58
Ana Berta Do Rego E. Fernandes Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s K.J. John & Co., Advs.

In IA 61 & 62 Mr. Dhruv Mehta, Adv.
G.N. Agrawal Mr. Sameer Athyankar, Adv.
Mr. Yashraj Singh Deora, Adv.
Ms. Maria Fatima Noronha, Adv.
Mr. Abhishek Puri, Adv.
Mr. Anupam Dhurve, Adv.
Mr. M.P. Jha, Adv.

In IA 63, 64 & 65 Mr. C.A. Sundaram, Sr. Adv.
Chowgule & Co. Pvt. Ltd. Mr. Sumit Goel, Adv.
Ms. Sarab Jot Walia, Adv.
For M/s Parekh & Co., Advs.

In IA 66 & 67 Mr. R.A. Dada, Sr. Adv.
Hardesh Ores Pvt. Ltd. Mr. Rajesh Kumar, Adv.
Ms. Anupama Dhurve, Adv.
Mr. Abhishek Puri, Adv.
Mr. Mohit Abraham, Adv.

In IA 68
Goa Mining Foundation Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 69 & 70
Timblo Enterprises Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.

Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 74
Crisna Mucunda
Camotim

Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 75
Jaisinh Maganlal

Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s K.J. John & Co., Advs.

In IA 78
Shantilal Kushaldas
& Bros P. Ltd. Dr. (Ms.)

Ms. Kiran Suri, Sr. Adv.
Vipin Gupta, Adv.
Mr. S.J. Amith, Adv.
Ms. Ritika Gambhir, Adv.
Mr. Nakibur Rahman Barbhuiya, Adv.

In IA 2580 & 2669

Mr. C.A. Sundaram, Sr. Adv.
Mr. Sumit Goel, Adv.
Ms. Sarab Jot Walia, Adv.
For M/s. Parekh & Co., Advs.

Mr. Colin Gonsalves, Sr. Adv.
Ms. Jubli Momalia, Adv.
Ms. Juno Rahman, Adv.
Ms. Jyoti Mendiratta, Adv.

In IA NO. 1123-1124

Mr. Prateek Jalan, Adv.
Mr. Biju M., Adv.

For Respondent (s)
State of Goa

Mr. A.N.S. Nadkarni, AG
Mr. Arvind Datar, Sr. Adv. (NP)
Mr. Siddharth Bhatnagar, Adv.
Mr. Pawan Kumar Bansal, Adv.
Mr. T. Mahipal, Adv.

Union of India

M/o Env. & Forests

Mr. Mohan Parasaran, SG.
Mr. Rakesh Kumar Khanna, ASG.
Mr. D.L. Chidananda, Adv.
Ms. Asha G. Nair, Adv.
Ms. Kiran Bhardwaj, Adv.
Ms. Seema Rao, Adv.
Mr. Ashwin Kumar D.S., Adv.
Mr. Anirudh Tanwar, Adv.
Ms. Gunwant Dara, Adv.
Ms. Sukhbeer Kaur Bajwa, Adv.
Mr. Shreekant N. Terdal, Adv.
Mr. D.S. Mahra, Adv.

Union of India

M/s Mines & Min. Mr. Mohan Parasaran, SG.
Mr. Ritin Rai, Adv.
Mr. D.L. Chidananda, Adv.
Mr. Shreekant N. Terdal, Adv.

RR 5 Mr. Shridhar Y. Chitale, Adv.
Mr. Abhijat P. Medh, Adv.

RR 6-Goa Min. Lab. Mr. Colin Gonsalves, Sr. Adv.
Welfare Union Ms. Jubli Momalia, Adv.
Ms. Jyoti Mendiratta, Adv.

For RR 7-Chowgule Mr. C.A. Sundaram, Sr. Adv.
& Co. Pvt. Ltd. Mr. Sumit Goel, Adv.
Ms. Sarab Jot Walia, Adv.
For M/s Parekh & Co., Advs.

For RR 8-HL Nathurmali Mr. Amit Sharma, Adv.
Mr. Kunal A. Cheema, Adv.

For RR 9-Goa Min. Mr. K.K. Venugopal, Sr. Adv.
Assn. Soc. Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Advs.

For RR 10- M/s Mr. Mukul Rohtagi, Sr. Adv.
Sesa Goa Ltd. Mr. Ninad Laud, Adv.
Ms. Meenakshi Chatterjee, Adv.
Mr. Jayant Mohan, Adv.

For RR 11-Cosme Ms. Kiran Suri, Sr. Adv.
Cose Costa & Sons Mr. S.J. Amith, Adv.
Mr. Nakibur Rahman Barbhuiya, Adv.
Ms. Ritika Gambhir, Adv.
Dr. (Ms.) Vipin Gupta, Adv.

For RR 12- Socie. Ms. Anupama Dhurve, Adv.
Tim.Irmaos Lim. Mr. Abhishek Puri, Adv.

For Rr No. 13 Ms. Triveni Potekar, Adv.
Goa Barge Owners Mr. Chandra Shekhar Ashri, Adv.
Assn.

For RR 14 For M/s Mitter & Mitter Co., Advs.

For RR 15-27 Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Advs.

For RR 28 -M/s. Mr. C.A. Sundaram, Sr. Adv.
Bandeekar Bros Pvt. Ltd. Mr. Parijat Sinha, Adv.
Ms. Reshmi Rea sinha, Adv.
Mr. Anil Kumar Mishra, Adv.
Mr. S.C. Ghosh, Adv.

For RR 30 -
Dr. Prafulla
Hede Mines

Mr. M. N. Krishnamani, Sr. Adv.
Mr. Mr. Bhavani shankar Gadnis, Adv.
Mr. A. Venayagam Balan, Adv.

Mr. S.M. Walawaikar, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

For RR 31 & 32 Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Advs.

Mr. S.M. Walawaikar, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

For State of Rajasthan in
IA 1000 Dr. Manish Singhvi, AAG.
Mr. Amit Lubhaya, Adv.
Mr. Milind Kumar, Adv.

Mr. Tarun Johri, Adv.
Ms. Sumita Hazarika, Adv.
Ms. Suchitra A. Chitale, Adv.
Mr. Ejaz Maqbool, Adv.
Mr. P.V. Yogeswaran, Adv.

In IA 1412 Mr. P.H. Parekh, Sr. Adv.
For M/s. Parekh & Co., Advs.
Mr. D.K. Garg, Adv.
Mr. Gaurav Agrawal, Adv.
Ms. Purnima Bhat Kak, Adv.
Mr. K. Parmeshwar, Adv.
Mr. K.L. Janjani, Adv.
Mr. Y. Rajagopal Rao, Adv.

UPON hearing counsel the Court made the following
O R D E R

IA Nos. 2580 and 2669 in IA NO. 2580 in WP(C) NO. 202/1995, IA NO. 1000 with 982-984, 1026-1028, 1123-1124, 1197-1199, 1210-1211, 1250-1251, 1512 and 1412 in 887 with 1997 in WP(C) NO. 202/1995, SLP(C)... CC 6594/2007, IA Nos. 170-175 and 176-178 in WP(C) NO. 460 of 2004 are detagged from the batch of these matters.

In all other writ petitions and transferred cases, hearing is concluded.

Judgment reserved.

Interim order is passed in terms of the signed order.

Application filed by Karnataka Iron and Steel manufacturer's Association is dismissed as withdrawn.

The names of the Members of the Expert Committee as mentioned in the interim order will be finalised on 18th November, 2013 when the matters will be listed for this limited purpose.

[KALYANI GUPTA]
COURT MASTER

[SURESH KUMAR VERMA]
COURT MASTER

[SIGNED INTERIM ORDER IS PLACED ON THE FILE.]

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. 435 OF 2012

GOA FOUNDATION

PETITIONER

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

WRIT PETITION (CIVIL) NO. 99 OF 2013

M/S. H.L. NATHURMAL

PETITIONER

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

WRIT PETITION (CIVIL) NO. 184 OF 2013

RAJESH P. TIMBLO

PETITIONER

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

TRANSFERRED CASE NO. 136 OF 2013 ARISING OUT OF TRANSFER PETITION
(CIVIL) NO. 8 OF 2013

V. SALGAOCAR & BROTHER PVT. LTD. & ANR. PETITIONERS

VERSUS

THE SHAH COMMISSION OF INQUIRY & ORS.

RESPONDENTS

TRANSFERRED CASE NO. 133 OF 2013 ARISING OUT OF TRANSFER PETITION
(CIVIL) NO. 230 OF 2013
GOA MINING ASSOCIATION PETITIONER

VERSUS

SHAH COMMISSION & ORS. RESPONDENTS

TRANSFERRED CASE NO. 131 OF 2013 ARISING OUT OF TRANSFER PETITION
(CIVIL) NO. 1441 OF 2013

DEEPAK M. GHARSE PETITIONER

VERSUS

UNION OF INDIA & ORS. RESPONDENTS

TRANSFERRED CASE NO. 132 OF 2013 ARISING OUT OF TRANSFER PETITION
(CIVIL) NO. 1186 OF 2013

M/S. PANDURANG TIMBLO INDUSTRIES & ANR. PETITIONERS

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TRANSFERRED CASE NO.143 OF 2013 ARISING OUT OF TRANSFER PETITION
(CIVIL) NO. 574 OF 2013

SOCIEDADE TIMBLO IRMAOS LIMITADA & ANR. PETITIONERS

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UNION OF INDIA & ORS. RESPONDENTS

TRANSFERRED CASE NO. 140 OF 2013 ARISING OUT OF TRANSFER PETITION
(CIVIL) NO. 766 OF 2013

ANA BERTA DO REGO E. FERNANDES & ANR. PETITIONERS

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UNION OF INDIA & ORS.

RESPONDENTS

TRANSFERRED CASE NO. 142 OF 2013 ARISING OUT OF TRANSFER PETITION
(CIVIL) NO. 770 OF 2013

SOCIEDADE TIMBLO IRMAOS LIMITADA & ANR.

PETITIONERS

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

TRANSFERRED CASE NO. 141 OF 2013 ARISING OUT OF TRANSFER PETITION
(CIVIL) NO. 776 OF 2013

SHRI ALEIXO MANUAL C.P. DA COSTA

PETITIONER

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

TRANSFERRED CASE NO. 139 OF 2013 ARISING OUT OF TRANSFER PETITION
(CIVIL) NO. 836 OF 2013

KUNDA RAGHUVIR GHARSE

PETITIONER

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

TRANSFERRED CASE NO. 134 OF 2013 ARISING OUT OF TRANSFER PETITION
(CIVIL) NO. 864 OF 2013

NOOR MOHD. ABDUL KARIM & ANR.

PETITIONERS

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

TRANSFERRED CASE NO. 135 OF 2013 ARISING OUT OF TRANSFER PETITION

KAMALINI RAMAKANT PAIGUINKAR & ORS.

PETITIONERS

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

TRANSFERRED CASE NO. 138 OF 2013 ARISING OUT OF TRANSFER PETITION
(CIVIL) NO. 869 OF 2013

M/S BADDRUDIN HASSAINBHAI MAVANI

PETITIONER

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

O R D E R

On 05.10.2012, this Court while issuing notice in the Writ Petition had directed that till further orders all mining operations in the leases identified in the Shah Commission's Report and transportation of Iron Ore and Manganese Ore from the mines and stockyards in the State of Goa shall remain suspended, as recommended in the Commission's Report.

2. In the course of hearing of the Writ Petition and all other connected matters, we were informed by the learned Advocate General of the State of Goa, Mr. Atmaram N.S. Nadkarani, through his written arguments, that presently approximately 11.48 million tons of excavated mineral ores are lying in different mines and stockyards in the State of Goa, of which inventory has been fully taken by the Department of Mines and Geology, Government of Goa. Mr. Nadkarani submitted that these excavated mineral ores cannot be put back and if these are allowed to remain in the mines/stockyards, the environment would be polluted and, therefore, the excavated mineral ores should be allowed to be transported as early as possible, now that the Goa (Prevention of Illegal Mining, Storage and Transportation of Minerals) Rules, 2013 have been framed and notified.

3. Mr. Prashant Bhushan, learned counsel for the petitioner, submitted that the excavated mineral ores lying in the mines/stockyards in the State of Goa may be allowed to be transported, but should not be allowed to be exported and instead may be sold by e-auction to local industrial consumers in the country, who need Iron Ore for their industries. Mr. Krishnan Venugopal, learned counsel for some of these steel industries from Karnataka (intervenor) submitted that the excavated iron ores be sold to these steel industries in Karnataka, which have run out of iron ores for their steel plants.

4. Mr. Harish Salve, Amicus Curiae, on the other hand, submitted that:

"(a) A Committee (on the pattern of Monitoring Committee constituted for Karnataka) may be constituted by this Hon'ble Court and made responsible for (i) verification of the already mined mineral available at the mining head, jetties etc. (ii) sale of mineral through e-auction (iii) receipt of sale proceeds along with applicable royalty, taxes and other charges (iv) release of sold mineral with appropriate checks and balances (v) keeping the sale proceeds excluding the applicable taxes, royalty etc (to be

deposited by the Monitoring Committee with the concerned authorities) in the designated account(s) in nationalized bank and (vi) any other issues related with verification of mineral, e-auction, release of mineral, receipt of money and related matter.

(b) the sale proceeds/ export proceeds retained by the Monitoring Committee may be released only after a final decision regarding legality of the iron ore is taken and after deducting the value of the illegally removed mineral from the over burdened dumps etc., and after obtaining permission by this Hon'ble Court; and

(c) the Monitoring Committee may comprise (a) a senior officer of the Mines Department, nominated by the Chief Secretary Goa, not below the rank of Joint Secretary to the Government of India (ii) Dr U.V. Singh, Member, Monitoring Committee for Karnataka, and (iii) Addl. PCCF, Regional Office, MoEF, Bangalore."

5. After considering these submissions, we direct that the inventory of the excavated mineral ores lying in different mines/stockyards/jetties/ports in the State of Goa, made by the Department of Mines and Geology of the Government of Goa will first be verified and thereafter the whole of the inventorised mineral ores will be sold by e-auction and the sale proceeds (less taxes and royalty) will be retained in separate fixed deposits (lease-wise) by the State of Goa till the Court delivers the judgment in these matters on the legality of the leases from which the mineral ores were extracted. This entire process of verification of the inventory, e-auction and deposit of sale proceeds in fixed deposits will be monitored by a Monitoring Committee comprising (1) a Senior Officer of the Mines Department nominated by Chief Secretary, Government of Goa, not below the rank of a Joint Secretary to the Government of India, (2) Dr. U.V. Singh, Additional Principal Chief Conservator of Forests, Karnataka Forest Department, who was a Member of the Monitoring Committee for a similar exercise in the case of sale of mineral ores from the State of Karnataka, and (3) Mr. Sheikh Naimuddin, Indian Revenue Services (Retired) and Former Member of the Central Board of Direct Taxes and Special Secretary to the Government of India, New Delhi. Mr. Sheikh Naimuddin (who has retired) will be entitled to a remuneration equivalent to the last pay drawn by him for the period he works as a Member of the Monitoring Committee and the other two Members will be paid their salary (as if they are on duty) during the period of their work as Members of the Monitoring Committee. The Members of the Monitoring Committee will also be entitled to all travel allowances as per actuals and daily allowances at the rates applicable to Secretary, Government of India, for their work as members of the Monitoring Committee and will be provided with secretarial assistance by the State Government of Goa. The remuneration and allowances of the Monitoring Committee will be paid by the State of Goa for the time being and will be reimbursed to the State Government of Goa out of the sale proceeds of the mineral ores after the judgment of this Court in this Writ Petition. The Monitoring Committee will ensure that the accounts of the sale of excavated ores for each lease is maintained and will submit an interim report by 15.02.2014.

6. In course of the arguments, Mr. Prashant Bhushan, learned counsel for the petitioner, submitted that principles of sustainable development and inter-generational equity as part of the fundamental right under Article 21 of the Constitution of India require that a cap should be put on the annual excavation of iron ore from different mines in the State of Goa after taking into account the need to conserve the iron ore resources for future generations and the carrying capacity of the State of Goa for mining and transportation of mineral ores.

7. Mr. Nadkarni, learned Advocate General of the State of Goa, also referred to these principles in the Goa Mineral Policy, 2013 as notified in the Official Gazette of the Government of Goa published on 28.09.2013. Relevant portions of the Goa Mineral Policy, 2013 are

extracted hereinbelow:

"11. Capping: Based on carrying capacity of Public Roads and to protect inter-generational equity

Capping: Until the road capacity improves there shall be a gross capping of 45 Million Tons per annum on the available transportation using public roads. Additional capacity without use of public road or using dedicated corridor will not form part of this capping.

- . Inter-generational equity capping shall be decided by the State Government depending upon and pursuant to the report of the environmental audit / EIA study by NEERI. Until than the capacity of 20 Million Tons for fresh excavation and 25 Million Tons for dumps, shall be on ad hoc capacity.
- . Such Capping shall be areawise and based on capacity of the road.
- . Such road Capacity to be determined by a Committee to be headed by Principal Secretary (Mines)."

8. Mr. Harish Salve, learned Amicus Curiae, similarly submitted that in order to ensure that mining is done with due regard to the sustainable development principles, this Court may consider a ceiling or a cap on the total amount of production of the iron ore from all the leases in the State of Goa.

9. We also find that in Samaj Parivartana Samudaya and Others v. State of Karnataka and Others [(2013) 8 SCC] this Court has held in Paragraph 20:

"20. The permissible annual production for the mining lease would be based on:

- (a) the mineral reserves in the lease area;
- (b) area available for overburden/waste dumps, subgrade iron ore and other land uses;
- (c) existing transport facilities in relation to the traffic load of the mining lease; and
- (d) overall ceiling on the annual production from all the mining leases in the district (as dealt with earlier)."

10. We are, therefore, of the view that a Committee of experts must conduct a Macro EIA Study on what should be the ceiling of annual excavation of iron ore from the State of Goa considering its Iron Ore resources and its carrying capacity keeping in mind the principles of sustainable development and inter-generational equity and all other relevant factors. For such Macro EIA Study, we constitute an Expert Committee comprising:

1. An ecologist
2. A geologist
3. A mineralogist
4. An expert on Forestry
5. A representative of Department of Mines, Government of Goa to be nominated by the Chief Secretary, Goa.
6. A representative of Ministry of Environment & Forests, Government of India to be nominated by the Secretary, Ministry of Environment & Forests, Government of India.

The names of the Members of the Expert Committee will be finalised on 18th November, 2013 when the matter will be listed for this limited purpose.

Each Member of the Expert Committee, who is not working in Government Department or Government Agency would be entitled to the last pay drawn by him and daily allowances at the rate applicable to

Secretary, Government of India, and travel expenses as per actuals and will submit his bill to the Registry of this Court which will be paid out of the Ad-hoc CAMPA funds. The Expert Committee will also submit an interim report by 15.02.2014 on the ceiling/capping to be prescribed for excavation of iron ore in Goa.

11. A copy of this order will be sent by the Registry to every member of the two Committees and after receipt of the interim reports of both the Committees in February, 2014, the matters will be listed in Court.

12. When the matters are listed in February 2014, the State of Goa and the Union of India will also produce in Court copies of the reports of NEERI and the Indian School of Mines, Dhanbad, respectively, to which the State of Goa and the Union of India have entrusted Environmental Impact Assessment study on mining in the State of Goa.

13. Affidavit filed on behalf of State of Goa and a Copy of the recent Notification issued by the Ministry of Environment & Forests, Government of India filed in course of the day be accepted as part of the records.

14. The Writ Petitions and the connected matters are reserved for Judgment.

.....J.
[A.K. PATNAIK]

.....J.
[SURINDER SINGH NIJJAR]

.....J.
[FAKKIR MOHAMESIBRAHIM KALIFULLA]

New Delhi
November 11, 2013.