

No.DMG/MAJ/DWT/CLR/01/12-13/2752
Government of Goa,
Directorate of Mines & Geology,
Udyog Bhavan,
Panaji Goa.

Dated:16/01/2013

Sub: Use of water from mining pits for drinking, Agriculture, Horticulture purpose or for safety of mine and residence staying in vicinity of mine.

Hon'ble Supreme Court in Writ Petition (Civil) 435 of 2012 has passed order on 05/10/2012. (Copy of which is enclosed herewith)

The relevant portion of the order is reproduced herein under:

"Till further orders all mining operations in the leases identified in the Shah Commission Report and transportation of iron ore and manganese ore from those leases, whether lying at the mine head or stockyards shall remain suspended as recommended in the Shah Commission Report".

The above mentioned order bans mining activities and transportation of mining ore or mined mineral from the mine head or stockyard.

Various mining companies in Goa based upon directions issued by the Hon'ble High Court or otherwise, upon request from the residence were allowing use of water accumulated in mining pits or leases by pumping the same for the benefit of public or for safety purpose. Such pumping activities were not for the mining activities but in the interest of the public or safety of mines of people staying in the vicinity of such mine.

After imposition of ban by Hon'ble Supreme Court vide above referred order dated 05/10/2012, many companies have approached this office for permission for pumping of water from mining pits for one or the other reasons mentioned herein above.

Since the water accumulated in mining pits or mining leases is a resource of Water Resources Department, this office gave No Objection Certificate to the mining companies with a rider that the Company shall not violate order dated 05/10/2012 of Supreme Court in W. P. No. 435 of 2012.




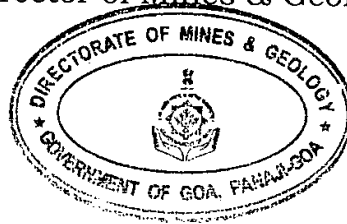
The mining companies have further approached this office seeking clarification as to what was meant by the condition regarding Supreme Court Order imposed by this Department.

In this behalf it is hereby clarified that, this office has no objection for dewatering/pumping of water from mining pits/mining leases for its use for the benefit of public or mines safety. However, such permissions shall be restricted to activities spelt out herein above and shall not be used for other mining activities which shall be in contempt or violation of Supreme Court's Order dated 05/10/2012.

In view of above clarification there is no need for mining companies for approaching this office for NOC for dewatering/pumping of water for the purposes mentioned herein above.

This issues with approval of Government.


(Prasanna A. Acharya)
Director of Mines & Geology



To,
All mining lease holders

Copy to:

1. The Goa Mineral Ore Exporters Association,
Vaglo Building,
Panaji Goa
2. The Director,
Directorate of Agriculture,
Krishi Bhavan, Tonca,
Caranzalem Goa.
3. The Chief Engineer,
Water Resources Department,
2nd floor, Junta House (Annexe),
Panaji Goa.
4. PA to Chief Minister, Secretariat,
Porvorim Goa.
5. The Director
Department of Mine Safety,
Near RTO Office,
Margao Goa.

ANNEXURE - 1

ITEM NO. 302

COURT NO. 5

SECTION

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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

GOA FOUNDATION

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for directions and office report)

Date: 05/10/2012 This Petition was called on for hearing today.

CORAM :

- HON'BLE MR. JUSTICE AFTAB ALAM
- HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
- HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s)

- Mr. Prashant Bhushan, Adv.
- Mr. Pranav Sachdeva, Adv.
- Mr. Anupam Bharti, Adv.
- Ms. Pyoli Swatija, Adv.

For Respondent(s)

State of Goa

- Mr. Siddharth Bhatnagar, Adv.
- Mr. Pawan Kr. Bansal, Adv.
- Mr. T. Mahipal, Adv.

Pol. Cntrl. Board

- Mr. Bhavanishankar V. Gadnis, Adv.

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

Issue notice.

Dasti service in addition.

The Central Empowered Committee (CEC) is directed to submit its report on this writ petition, which is essentially based on the report of Justice M.B. Shah

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(a former Judge of this Court), Chairman of the Commission of Enquiry for illegal mining of iron ore and manganese.

The Secretaries of the Ministries of Mines and Forest and Environment, Union of India, and the Chief Secretary of the State of Goa are directed to furnish all information that the CEC may require for making its report for the Court in light of the Shah Commission's report.

A preliminary report from the CEC should reach this Court within four weeks from today.

Put up on receipt of the report from the CEC.

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 those leases, whether lying at the mine-head or stockyards, shall remain suspended, as recommended in the Commission's report.

IA Nos. 2580 and 2669 of 2009, in Writ Petition (Civil) No. 202 of 1995, may also be listed along with this writ petition.

N.S.K. Kamesh
(N.S.K. Kamesh)
Court Master

5/10

Sneh Bala Mehra
(Sneh Bala Mehra)
Court Master

5/10