

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

Petition(s) for Special Leave to Appeal (Civil) No(s).14698/2010

(From the judgement and order dated 26/04/2010 in SCA No.3477/2009
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

KHIMJIBHAI LAKHABAI BARAIYA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

With S.L.P. (C) No.15016 of 2010

(With prayer for interim relief and office report)

S.L.P. (C) No.32414 of 2010

(With prayer for interim relief and office report)

S.L.P. (C) No.32615 of 2010

(With prayer for interim relief and office report)

Date: 18/03/2011 These Matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K.S. PANICKER RADHAKRISHNAN
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s)	Mr. Sanjay R. Hegde, Adv.
In SLP 14698/2010	Mr. Krutin Joshi, Adv.
and SLP 32414/2010:	Mr. Abhishek Malviya, Adv.
	Mr. Anil Kumar Mishra, Adv.

In SLP 15016/2010	Dr. Rajeev Dhawan, Sr. Adv.
and SLP 32615/2010:	Ms. Kamini Jaiswal, Adv.
	Mr. A.J. Yagnik, Adv.
	Mr. Abhimanue Shreshtha, Adv.
	Mr. Divyesh Pratap Singh, Adv.

For Respondent(s)	Mr. D.A. Dave, Sr. Adv.
	Mr. Nikhil Goel, Adv.
	Mr. Ramesh Singh, Adv.
	Mr. Naveen Goel, Adv.
	Mr. Marsook Bafaki, Adv.
	Ms. Sheela Goel, Adv.

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Mr. L.N. Rao, Sr. Adv.
Mr. Shyam Divan, Sr. Adv.
Ms. Hemantika Wahi, Adv.

Mr. Gopal Subramaniam, SG.

Mr. Haris Beeran, Adv.
Ms. Padmalakshmi Nigam, Adv.
Mr. Anand Verma, Adv.
Mr. S.N. Terdal, Adv.

Mr. Goolam E. Vahanvati, AG.
Mr. Haris Beeran, Adv.

Mr. A. Venayagam Balan, Adv.

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

Learned Solicitor General, with his usual fairness, stated that he would like to re-visit the environment clearance in respect of the project undertaken by Respondent No.4, particularly, in view of the conflicting stand taken in the affidavits from time to time. After hearing learned senior counsel on both sides, we are of the view that Expert Appraisal Committee of the Ministry of Environment and Forest will call for the Report of an Expert Body consisting of five independent reputed Scientists who will visit the site and answer the following issues:

- (a) Whether the lands in question were wet lands/water bodies;
- (b) Whether the project could come up on such wet lands/water bodies and if so, what would be its impact on environment? Would it lead to environmental degradation?
- (c) If at all the project could come up, what steps the user agency should take in the interest of environment protection; and
- (d) The precise current status of the project may also be indicated by the Expert body.

The Expert body will give hearing to Respondent No.4-user agency as well as to all objectors and shall submit its Report. This exercise will be completed by the Expert body within six weeks. The Report will be then submitted to the Ministry of Environment and Forest which will then take its decision within two weeks.

We make it clear that we express no opinion on the merits of the case and all contentions on the merits of the case are kept open.

We may clarify that the Expert body will give its Report and Ministry of Environment and Forest will also take its decision uninfluenced by any observations made in the pending proceedings.

Mr. Dave, learned senior counsel appearing for the user agency fairly states that, on 7th April, 2011, they will move the High Court and withdraw the pending writ petition in view of this Order.

Place these petitions on 10th May, 2011.

[Alka Dudeja]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar