

ITEM NO.303

COURT NO.5

SECTION PIL-W

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(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. & ORS.

Respondent(s)

(“ONLY”[1]INTERLOCUTORY APPLICATION NO. 153299/2018[APPLICATION FOR DIRECTIONS] IN RE :ALLOTMENT OF RESIDENTIAL ACCOMMODATION TO SHRI AMARNATHA SHETTY, MEMBER SECRETARY, CECAND[2]INTERLOCUTORY APPLICATION NO. 166530/2018[APPLICATION FOR PERMISSION] IN RE : [CEC REPORT NO. 46 OF 2018 - REPORT OF CEC IN APPLN. NO. 1427/2018FILED BEFORE IT BY POWER GRID CORPORATION OF INDIA LTD.]IN RE : POWER GRID CORPORATION LTD.AND[3]INTERLOCUTORY APPLICATION NO. 111489/2018[REPORT NO. 32 OF 2018 OF CEC IN APPLN. NO. 1421 OF 2018 FILED BEFORE IT BY MINISTRY OF DEFENCE, UNION OF INDIA]IN RE : MINISTRY OF DEFENCE, UNION OF INDIAAND[4] [i] IN RE : STATUS OF FUNDSAND[ii] INTERLOCUTORY APPLICATION NO. 135724/2017[APPLICATION FOR DIRECTIONS]IN RE :COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING AUTHORITY (CAMPA) FUNDSWITH[iii] INTERLOCUTORY APPLICATION NOS. 3922-3923[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS]WITH[iv] INTERLOCUTORY APPLICATION NO. 5891/2019[APPLICATION FOR DIRECTIONS]AND[5]INTERLOCUTORY APPLICATION NO. 3924[APPLICATION FOR CLARIFICATION OF ORDER DATED 21.11.2008]IN RE : NATIONAL TIGER CONSERVATION AUTHORITYAND[6] INTERLOCUTORY APPLICATION NO. 3949[APPLICATIONS FOR DIRECTIONS]IN RE : GRANT OF MINING LEASE TO M/S PUTAMBEKAR MINERALS“ONLY” ARE LISTED IN W.P.(C) No. 202/1995 “ONLY” ON 28.01.2019 AND THE NAMES OF “ONLY” THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN AGAINST THESE I.As.MR. HARISH N. SALVE, SR. ADV. [A.C.],MR. A.D.N. RAO, ADVOCATE [A.C.],MR. SIDDHARTHA CHOWDHURY, ADVOCATE [A.C.]MS. APARAJITA SINGH, ADVOCATE [A.C.], MR. G.S. MAKKER,ANDFOR S.NO. [1]MR. A.D.N. RAO, ADVOCATE (A.C.)MR. G.S. MAKKERFOR S.NO. [2]MR. G. S. MAKKER FOR S.NO. [3]MR. M.K. MARORIAFOR S.NO. [4] [i to iv]MR. G.S. MAKKER, MR. RANJAN MUKHERJEE, MR. SHIBASHISH MISHRA, MR. R.S. JENA, FOR S.NO. [5]MR. G.S. MAKKERFOR S.NO. [6]MR. MOHIT PAUL, MR. NISHANT R. KATNESHWARKAR, MR. G.S. MAKKER, MR. KUNAL CHEEMA, M/S KHAITAN AND CO.)

Date : 28-01-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE DEEPAK GUPTA

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

I.A.No. 5891 of 2019

As per the order passed by this Court on 05.05.2006, an adhoc arrangement was made before the enactment of National Compensatory Afforestation Fund Act, 2016. Now CAF Act has been enacted, a prayer has been made by the Central Government, Ministry of

Environment and Climate Change to act as per the provisions of the Act. Since the Act has been enacted and this Court's order was for adhoc arrangement only, we permit the Ministry to act as per the provisions of the Act. However, at the same time, we direct that the State Funds be created as per the provisions of Section 4 of the Act and a requisite Notification be issued by each of the State Governments with respect to the same within a period of two weeks from today. Within one week thereafter, the amount shall be transferred by the Central Government to the State Fund as envisaged under the aforesaid Act.

With respect to constitution of the Monitoring Committee as per Section 9(3), let the Monitoring Group proposed to be constituted by the Central Government as per the aforesaid provisions be placed before this Court. With respect to interest also, there is a provision made under the Act. Let the concerned Ministry of Government of India inform this Court how and in what manner they intend to implement the provisions under Section 3(6) and also under Sections 4 and 5 with respect to investment to be made in the interest bearing fund under the Public Accounts in India.

The Adhoc Committee is directed to transfer the fund as per the provisions of the Act to the Central Government.

For further consideration, list the application on 18.02.2019.

I.A.No. 153299 of 2018

It is assured that the matter will be resolved before the next date of hearing.

List the application on 18.02.2019.

I.A.No. 166530 of 2018

Considered the CEC Report No. 46 of 2018. The Power Grid Corporation has filed an affidavit to abide by the conditions. The affidavit is taken on record. The report is accepted.

I.A.No. 111489 of 2018

Let the affidavit be filed by the Ministry of Defence to abide by the conditions imposed by the CEC.

I.A.Nos. 135724/2017, 3922-3923, 5891/2019

Perused the applications. We find that nothing survives in these applications, which are, accordingly, disposed of.

IA No. 3924

Report No. 50 of 2018 of the CEC dated 26.12.2018 is accepted since it is not objected by the National Tiger Conservation Authority (NTCA). The application is disposed of.

IA No. 3949

List the application on 01.03.2019.

I.A.Nos. 1659, 2343, 2784, 3735 and IA No. 179389/2018

(Andaman & Nicobar Admin.)

List these applications on 18.02.2019.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER