

ITEM NO.301

COURT NO.2

SECTION XVII

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

Original Suite (s). No(s). 4/2007

STATE OF ORRISA

Petitioner(s)

VERSUS

THE STATE OF ANDHRA PRADESH & ORS.

Respondent(s)

([AT 2.00 P.M.])

IA 105699/2018-FOR QUASHING THE ORDER DATED 10.07.2018 KEEPING THE
STOP WORK ORDER DATED 08.02.2011 IN ABEYANCE.

WITH

C.A. No. 2630/2018 (XVII)

I.A. NO. 103515/2018 - CLARIFICATION/DIRECTION

Date : 03-01-2019 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Parties:

Mr. Gopal Subramanium, Sr. Adv.
Mr. Arun Kathpalia, Sr. Adv.
Mr. Radha Shyam Jena, AOR
Mr. Pavan Bhushan, Adv.
Ms. Hima Lawrence, Adv.
Mr. Dhruvad Das, Adv.

Mr. Jayant Bhushan, Sr. Adv.
Mr. Tushar Bhushan, Adv.
Mr. Sravan Kumar, Adv.
Mr. Ketan Paul, Adv.
Mr. D. Mahesh Babu, AOR

Ms. Pinky Anand, ASG
Mr. A.K. Panda, Sr. Adv.
Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. A.K. Srivastava, Adv.
Mr. G.S. Makker, Adv.
Dr. Nishesh Sharma, Adv.
Mr. Hemant Arya, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. A.K. Ganguli, Sr. Adv.
Mr. Gaurab Banerji, Sr. Adv.
Mr. D. Srinivas, Adv. Gen.
Mr. Guntur Prabhakar, AOR

Mr. D. M. Nargolkar, AOR
Mr. Soumik Ghosal, Adv.

Mr. S.S. Javali, Sr. Adv.
Mr. Prijesh Kalappa, Adv.
Mr. V. N. Raghupathy, AOR
Mr. Gurudatta Ankoleker, Adv.

Mr. Y. Raja Gopala Rao, AOR

Mr. C.S. Vaidhyanathan, SR. Adv.
Mr. Nikhil Swami, Adv.
Mr. Krishnamurthi Swami, AOR

Mr. Atul Jha, Adv.
Mr. Sandeep Jha, Adv.
Mr. Dharmendra Kumar Sinha, AOR

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

On 03.12.2018 this Court had passed the following order:

"In view of the affidavit filed by the Union of India, the States of Odisha and Chattisgarh had stated categorically the information that they require for holding a public hearing.

The Union of India will get back to us on whether they can supply the information or not. If not, why not."

The States of Odisha and Chattisgarh have filed their affidavit. It is stated by learned ASG that States of Odisha and Chattisgarh had received the information only on 17th and 31st December, 2018 respectively. The Union of India is now working on the said information and would be able to give its response within three weeks.

Mr. Gopal Subramaniam, learned senior counsel appearing for the State of Odisha has referred to the affidavit filed by the State in response to the aforesaid order dated 03.12.2018. Along with the said affidavit the deponent has annexed Annexure A-3 which is letter dated 13.04.2009 and Annexure A-6 which is a copy of the answer dated 17.12.2018 by the Ministry of Water Resources, River Development and Ganga Rejuvenation in the Rajya Sabha. Likewise, State of Chattisgarh has also filed its affidavit. The Union of India while submitting its response shall respond to the these affidavits as well.

Mr. Jayant Bhushan, learned senior counsel appearing on behalf of the appellant in C.A. No. 2630/2018 submits that in this appeal I.A. No. 103515/2018 has been filed in which notice has been issued. In this application the applicant/appellant has stated that the construction of Polavaram Project is going on without there being any valid environmental clearance. According to him environmental clearance is required to continue the construction. The Union of India as well as State of Andhra Pradesh shall specifically submit their response on this aspect as well.

List the matters on 24.01.2019 at 02.00 P.M.

Since the admission and the denial should be completed before the next date of hearing, we fix the matter for this purpose before the Registrar on 17.01.2019.

(ASHWANI THAKUR)
COURT MASTER (SH)

(RAJINDER KAUR)
BRANCH OFFICER