

ITEM NO.63

COURT NO.2

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. &amp; ORS.

Respondent(s)

([ 1 ] [ i ] INTERLOCUTORY APPLICATION NO. 3949[APPLICATIONS FOR DIRECTIONS])

IN RE : GRANT OF MINING LEASE TO M/S PUTAMBEKAR MINERALS

WITH

[ ii ] INTERLOCUTORY APPLICATION NO. 158189/2018 AND 158190/2018

[APPLICATIONS FOR IMPLEADMENT AS PARTY RESPONDENT IN I.A.NO. 3949 AND EXEMPTION FROM FILING O.T.]

IN RE : M/S HINDALCO INDUSTRIES LTD.

Date : 02-11-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE R. SUBHASH REDDY

Mr. Harish N. Salve, Sr. Adv. [A.C.](NP)

Mr. A.D.N. Rao, Advocate [A.C.]  
Mr. Sudipto Sircar, Adv.

Mr. Siddhartha Chowdhury, Advocate [A.C.]

Ms. Aparajita Singh, Advocate [A.C.]

For Petitioner(s)

For Respondent(s)

Mr. Ranjit Kumar, Sr. Adv.  
Mr. Mohit Paul, Adv.  
Mr. Ayush Agrawal, Adv.  
Mr. Anugrah Niraj Ekka, Adv.  
Mr. Obhirup Ghosh, Adv.  
Mr. Rishi Raj Sharma, Adv.  
Mr. Mangesh Krishna, Adv.

Maharashtra                      Mr. Nishant R. Katneshwarkar, Adv.  
   Mr. Anoop K., Adv.  
   Ms. Suvarna Sanu, Adv.  
   Ms. Deepa Kulkarni, Adv.

   Mr. A.N.S. Nadkarni, ASG  
   Mr. R. Bala, Adv.  
   Mr. Sachin Sharma, Adv.  
   Mr. S. Wasim A. Qadri, Adv.  
   Mr. D.L. Chidanand, Adv.  
   Mr. A.K. Sharma, Adv.  
   Mr. Ritesh Kumar, Adv.  
   Mr. Devasis Bharuka, Adv.  
   Ms. Suhasini Sen, Adv.  
   Mr. G.S. Makker, Adv.

   Mr. Kunal Cheema, Adv.

   Mr. B.P. Patil, Sr. Adv.  
   Mr. Ajay Bhargava, Adv.  
   Ms. Vanita Bhargava, Adv.  
   Ms. Shweta Kabra, Adv.  
   For M/S Khaitan And Co.

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

INTERLOCUTORY APPLICATION NO. 3949 [APPLICATIONS FOR  
DIRECTIONS BY M/S PUTAMBEKAR MINERALS]

The Chief Secretary of the State of Maharashtra is present in Court today. He has also filed an affidavit.

On reading of the affidavit, it appears that there are some mines which have been closed for a variety of reasons and three mines are still working.

As far as the applicant - M/s. Putambekar Minerals is concerned, the application is pending consideration.

It is submitted by Mr. Ranjit Kumar, learned senior counsel appearing for the applicant that the matter requires to be heard for a final decision.

From the affidavit filed by the Chief Secretary, it appears that some of the mines had been granted environment clearance only some time in 2007. It is not clear when the mines started operating. Depending upon the date when they commenced their operations, a case for illegal mining may perhaps be made out.

The Chief Secretary has assured us that he will look into the matter and see whether any illegal mining has been going on, that is to say, mining without any environmental clearance or without any forest clearance or clearance from the Standing Committee of the National Board for Wildlife. If that is so, necessary steps be taken by the State of Maharashtra to recover the amounts due to illegal mining (if any) under Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957.

The Chief Secretary has assured us that necessary steps will be taken within four weeks.

List the matter on 5<sup>th</sup> December, 2018.

The Chief Secretary of the State of Maharashtra need not remain present in Court on the next date of hearing.

INTERLOCUTORY APPLICATION NO. 158189/2018 AND 158190/2018  
[APPLICATIONS FOR IMPLEADMENT AS PARTY RESPONDENT IN  
I.A.NO. 3949 BY M/S HINDALCO INDUSTRIES LTD. AND  
EXEMPTION FROM FILING O.T.]

Exemption from filing O.T. granted.

Application for impleadment is allowed only for the

purpose of I.A. No.3949.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
ASSISTANT REGISTRAR