

ITEM NO.303

COURT NO.3

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)

(INTERLOCUTORY APPLICATION FOR 04.11.2019"ONLY" [ 1 ] [ i ] INTERLOCUTORY APPLICATION NO. 3949[APPLICATION FOR DIRECTIONS] IN RE : GRANT OF MINING LEASE TO M/S PUTAMBEKAR MINERALS WITH [ ii ] INTERLOCUTORY APPLICATION NOS. 34945, 36821 AND 102183/2019[APPLICATIONS FOR IMPLEADMENT ANDEXEMPTION FROM FILING OFFICIAL TRANSLATION] IN RE : PADMANABHA ANANTRAO PANDITRAO AND [ 2 ] INTERLOCUTORY APPLICATION NO. 12465/2019[APPLICATION FOR DIRECTIONS] WITH INTERLOCUTORY APPLICATION NO. 98194/2019[APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS IN I.A. NO. 12465/2019] IN RE : ZUDPI LANDS, STATE OF MAHARASHTRA AND [ 3 ] INTERLOCUTORY APPLICATION NO. 62554/2019[APPLICATION FOR PERMISSION] IN RE : BSES RAJDHANI POWER LTD. AND [ 4 ] [ i ] IN RE : STATUS OF FUNDS AND [ ii ] INTERLOCUTORY APPLICATION NO. 5891/2019[APPLICATION FOR DIRECTIONS] IN RE : COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING AUTHORITY (CAMPA) FUNDS AND [ 5 ] INTERLOCUTORY APPLICATION NOS. 63946/2017 AND 35372/2017[APPLICATIONS FOR INTERVENTION AND DIRECTIONS] WITH INTERLOCUTORY APPLICATION NO. 157034/2019[APPLICATION FOR DIRECTIONS IN I. A. NO. 35372/2017] IN RE : PROF. SOBHINDRAN AND [ 6 ] IN RE : "CONSTRUCTION OF MULTI STOREYED BUILDINGS IN FOREST LAND MAHARASHTRA" [ i ] INTERLOCUTORY APPLICATION NO. 2079 [APPLICATION FOR IMPLEADMENT AND DIRECTIONS] WITH [ ii ] INTERLOCUTORY APPLICATION NOS. 2301-2302 [APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS] AND [ iii ] INTERLOCUTORY APPLICATION NOS. 3044-3045[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS] AND [ iv ] INTERLOCUTORY APPLICATION NOS. 2771-2772[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS] AND [ v ] INTERLOCUTORY APPLICATION NOS. 111725 AND 154041/2018[APPLICATIONS FOR SUBSTITUTION OF APPLICANT, i.e. SMT. HOUSABAI HARIBHAU BHAI RAT AND CONDONATION OF DELAY IN FILING APPLICATION FOR SUBSTITUTION] WITH [ vi ] W.P.(C) NO. 301/2008 AND [ 7 ] INTERLOCUTORY APPLICATION NOS. 153915 AND 153926/2018[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS] IN RE : NITIN RAM MENON, MAHARASHTRA AND [ 8 ] INTERLOCUTORY APPLICATION NO. 26893/2018 AND 27160/2018 [APPLICATIONS FOR INTERVENTION AND DIRECTIONS] IN RE : MANOJ KUMAR MISHRA AND [ 9 ] INTERLOCUTORY APPLICATION NOS. 152921 AND 141279/2019[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS] IN RE : DELHI STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD. (DSIIDC) IN WRIT PETITION (CIVIL) NO. 202/1995))

WITH

W.P.(C) No. 301/2008 (PIL-W)

IA No. 2/2008 - EXEMPTION FROM FILING O.T.)

Date : 04-11-2019 These petitions were called on for hearing today.

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

Counsel for the  
parties

MR. HARISH N. SALVE, SR. ADV. [A.C.],  
[NOT PRESENT]

MR. A.D.N. RAO, ADVOCATE [A.C.],

MR. SIDDHARTHA CHOWDHURY, ADVOCATE [A.C.]

MS. APARAJITA SINGH, SR. ADVOCATE [A.C.]

Mr. A. N. S. Nadkarni, ASG

Ms. Archana Pathak Dave, Adv.

Mr. D. L. Chidananda, Adv.

Ms. Suhasini Sen, Adv.

Mr. Bhawanishankar A. Gadnis, Adv.

MR. G. S. MAKKER, Adv.

MR. MOHIT PAUL, Adv.

MR. NISHANT R. KATNESHWARKAR, Adv.

MR. KUNAL CHEEMA, Adv.

M/s KHAITAN AND CO.

Mr. Prabhat Kumar Rai, Adv.

Mr. Vinit Kumar, Adv.

Mr. Nitesh Bhandari, Adv.

MR. NAVEEN KUMAR, Adv.

MR. NISHANT R. KATNESHWARKAR, Adv.

Mr. Anoop Kandari, Adv.

Mr. Anupam Verma, Adv.

Mr. Ankit Shah, Adv.

MR. PUKHRAMBAM RAMESH KUMAR, Adv.

Mr. Rahul K., Adv.

Mr. Nikhil Sharma, Adv.

Mr. Karun Sharma, Adv.

Mr. Ranjit Kumar, Sr. Adv.

Mr. Mohit Paul, Adv.

Mr. Ayush Agrawal, Adv.  
Mr. Vikrant Singh Baloria, Adv.  
Ms. Sunaina Phul, Adv.  
Mr. Mangesh Krishna, Adv.

MR. JAMES P. THOMAS, Adv.

MR. PRAKASH RANJAN NAYAK, Adv.

Mr. G. Prakash, Adv.  
Mr. Jishnu M. L., Adv.  
Mrs. Priyanka Prakash, Adv.  
Mrs. Beena Prakash, Adv.

Mr. V. Giri, Sr. Adv.  
Mr. P.S . SUDHEER, Adv.  
Mr. Rishi Maheshwari, Adv.  
Mrs. Mayuri Nayyar Chawla, Adv.  
Ms. Anne Mathew, Adv.  
Ms. Shruti Jose, Adv.

MR. B.K. PAL, Adv.

MR. NISHANT R. KATNESHWARKAR, Adv.

Mr. Rajat Kapoor, Adv.  
Mr. Arvind Avhad, Adv.

Mr. Ranjit Kumar, Sr. Adv.  
Mr. Neeraj Kishan Kaul, Sr. Adv.  
Mr. Dhruv Mehta, Sr. Adv.  
Mr. R. Bansal, Sr. Adv.  
Mr. Yashraj Singh Deora, Adv.  
Ms. Sonal Mashankar, Adv.  
Ms. Avantika Manohar, Adv.  
M/S MITTER AND MITTER CO.  
MS. RANJEETA ROHTAGI, Adv.

MR. YASHRAJ SINGH DEORA, Adv.

MS. PUNAM KUMARI, Adv.

MR. NISHANT R. KATNESHWARKAR, Adv.

Ms. Anitha Shenoy, Sr. Adv.  
MS. RASHMI NANDAKUMAR, Adv.  
Mr. Ritwick Dutta, Adv.  
Ms. Meera Gopal, Adv.  
Ms. Srishti Agnihotri, Adv.  
Ms. Sanjana Thomas, Adv.

MS. S. JANANI, Adv.

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

[ 1 ] [ i ] INTERLOCUTORY APPLICATION NO. 3949

[APPLICATION FOR DIRECTIONS]

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

Let detailed affidavit(s) be filed by the CEC as well as by the applicant with respect to the precise area in which the Bauxite mining is to be made, the flora and fauna in the mining area and what method of mining would be adopted.

List on 09.12.2019.

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[ ii ] INTERLOCUTORY APPLICATION NOS. 34945,36821 AND 102183/2019

[APPLICATIONS FOR IMPLEADMENT AND EXEMPTION FROM FILING OFFICIAL TRANSLATION]

IN RE : PADMANABHA ANANTRAO PANDITRAO

It was submitted by the learned Amicus Curiae that under the guise of lifting the excavated minerals, mining is being done. We have already stopped the activity of mining. We now stop lifting of the excavated minerals, if any, lying on the spot. There shall not be any lifting of minerals.

In case of any violation of this order, the Deputy Conservator of Forests of the area concerned and the Deputy Director, Directorate of Geology and Mining Work, Government of Maharashtra, Kolhapur shall be held responsible for the same.

List on 09.12.2019.

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[ 2 ] INTERLOCUTORY APPLICATION NO. 12465/2019  
[APPLICATION FOR DIRECTIONS]  
WITH

INTERLOCUTORY APPLICATION NO. 98194/2019  
[APPLICATION FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS IN I.A.  
NO. 12465/2019]  
IN RE : ZUDPI LANDS, STATE OF MAHARASHTRA

Let the State and the CEC file their response within four weeks.

List after four weeks.

[ 3 ] INTERLOCUTORY APPLICATION NO. 62554/2019  
[APPLICATION FOR PERMISSION]  
IN RE : BSES RAJDHANI POWER LTD.

We have perused the affidavit dated 23.10.2019 filed by the BSES Rajdhani Power Ltd and have considered CEC Report No. 26 of 2019 in reference to laying the underground cables from Bhoop Singh Colony Mode, Raipur Khurd Village to Maidangarhi Village Sub-station, New Delhi. The CEC has made the following recommendations:-

- “(i) the User Agency shall deposit 5% of the project cost of Rs.99,33,718/- with the Ridge Management Board Fund and which under the close supervision of the Board shall be used by the Forest Department, Delhi Government for the conservation and protection of the Delhi Ridge.*
- (ii) the User Agency will dig the trench for laying of the underground cable and the dug up trench will be back filled and closed without delay. The entire work of laying of underground cable including restoration of the area and removal of labour and material from site will be completed in 4 weeks from the date*

*of commencement of the work;*

*(iii) the User Agency shall obtain the statutory forest clearance for diversion of forest land for non-forest purpose in accordance with the provision of the Forest (Conservation) Act, 1980 from the competent authority and shall comply with all the conditions that are laid down in the order to be passed for diversion of forest land;*

*(iv) the User Agency shall pay Net Present Value (NPV) as assessed by the Forest Department of Delhi Government.*

*(v) compensatory afforestation at the cost of the User Agency shall be undertaken by the Forest Department on the land identified for the purpose; and*

*(vi) the work will be executed under the close supervision of Forest Department of Delhi Government who will ensure that no tree is felled while laying the underground cable."*

As the conditions are acceptable to the BSES Rajdhani Power Ltd., the conditions are directed to be complied with. The BSES Rajdhani Power Ltd. shall abide by the conditions. The land will be identified by the DDA for compensatory plantation of the trees. The land in question will be handed over by the DDA to the Forest Department for a period of five years and thereafter, the land will be reverted back to the DDA. The land will continue to be the forest land even after it is reverted back to the DDA. Let six monthly report be submitted to the CEC with respect to plantation and its rate of survival and growth of newly planted trees. The first report be submitted within six months. Thereafter, in every

six months, it has to be submitted to the CEC for a period of five years.

In view of the above, the application is disposed of.

[ 4 ] [ i ] IN RE : STATUS OF FUNDS

AND

[ ii ] INTERLOCUTORY APPLICATION NO. 5891/2019

[APPLICATION FOR DIRECTIONS]

IN RE : COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING AUTHORITY (CAMPA) FUNDS]

Let the State Governments submit their proposals for utilisation of the funds and if the funds have been utilised, the purpose for which it has been used and the monitoring mechanism which they have established or propose to establish.

List on 09.12.2019.

[5] INTERLOCUTORY APPLICATION NOS. 63946/2017 AND 35372/2017

[APPLICATIONS FOR INTERVENTION AND DIRECTIONS]

WITH

INTERLOCUTORY APPLICATION NO. 157034/2019

[APPLICATION FOR DIRECTIONS IN I. A. NO. 35372/2017]

IN RE : PROF. SOBHINDRAN

Issue notice.

Mr. G. Prakash, learned counsel, accepts notice on behalf of the State.

Let CEC examine and submit its response within four weeks.

State may also file its response in the meantime.

List after four weeks.

[ 6 ] IN RE : "CONSTRUCTION OF MULTI STOREYED BUILDINGS IN FOREST LAND MAHARASHTRA"

[ i ] TO [v] INTERLOCUTORY APPLICATION NOS. 2079, 2301-2302, 3044-3045, 2771-2772 and 111725 and 154041/2018 ETC.

WITH

W.P.(C) NO. 301/2008

As prayed for, let a brief note be filed by the learned Amicus Curiae.

List on 06.12.2019.

[7] INTERLOCUTORY APPLICATION NOS. 153915 AND 153926/2018  
[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS]  
IN RE : NITIN RAM MENON, MAHARASHTRA

Let a copy of the applications be furnished to the learned Amicus Curiae.

List on 25.11.2019.

[ 8 ] INTERLOCUTORY APPLICATION NO. 26893/2018 AND 27160/2018  
[APPLICATIONS FOR INTERVENTION AND DIRECTIONS]  
IN RE : MANOJ KUMAR MISHRA

Let response to Report No. 23 be filed by the applicant within three weeks.

List thereafter.

[ 9 ] INTERLOCUTORY APPLICATION NOS. 152921 AND 141279/2019  
[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS]  
IN RE : DELHI STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LTD. (DSIIDC)

Issue notice.

Let DDA file its response to the applications.

List after two weeks.

(JAYANT KUMAR ARORA)  
COURT MASTER

(PRADEEP KUMAR)  
COURT MASTER