

ITEM NO.7

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

Civil Appeal No(s).2003-2004/2022

N B MINERALS CORPORATION LIMITED

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 16481/2023 - APPLICATION FOR PERMISSION
IA No. 38195/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 38197/2022 - EXEMPTION FROM FILING O.T.
IA No. 112014/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES
IA No. 38196/2022 - STAY APPLICATION)

Date : 27-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Appellant(s) Mr. Nidesh Gupta, Sr. Adv.
 Ms. Shashi Kiran, AOR
 Mr. Satish Chandra, Adv.
 Ms. Sitwat, Adv.
 Ms. Sangeeta Bhalla, Adv.
 Ms. Riyal Suryawanshi, Adv.

For Respondent(s) Ms. Aishwarya Bhati, A.S.G.
 Mr. Gurmeet Singh Makker, AOR
 Ms. Ruchi Kohli, Adv.
 Ms. Swarupama Chaturvedi, Adv.
 Mr. Navanjay Mahapatra, Adv.
 Mr. Annirudh Sharma -ii, Adv.

Mr. Atul Sharma, AOR
Ms. Rachana Gandhi, Adv.

Mr. Mukesh Verma, Adv.
Mr. Kamal Kumar Pandey, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Shashank Singh, AOR

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

We have examined the counter affidavit/status report filed by the State of Uttarakhand.

Colour photographs have been produced in the Court, and are taken and kept on record.

The appellant - N B Minerals Corporation Limited is permitted to construct the retaining/safety wall by using the machines (like earthmoving/construction equipment vehicle and excavator), as specified in paragraph 5.5.7 of the counter affidavit/status report filed by the State of Uttarakhand. The retaining/safety wall will be constructed under the supervision and guidance of the Additional District Magistrate, Didihat. Photographs prior to the commencement of the construction and post-construction will be placed on record.

We clarify that the appellant - N B Minerals Corporation Limited will not carry out any other construction or mining of Magnesite/Dolomite.

In order to ascertain the actual factual position and the effect of the mining activities undertaken from the year 2010-2011 till the closure order, we deem it appropriate to appoint a Committee consisting of the following three members :-

1. The nominee appointed by the Chairman of the Central Pollution Control Board, having domain/subject matter expertise;
2. The nominee appointed by the Vice-Chancellor of the Indian Institute of Technology, Roorkee, who should be associated with environmental issues and have domain/subject matter expertise; and

3. The nominee appointed by the Director General, The Energy and Resources Institute (TERI), New Delhi, having domain/subject matter expertise.

The Committee will also examine the reparative work undertaken, and opine whether mining activity should be permitted, and condition, which should be imposed.

A copy of the order passed by the National Green Tribunal dated 26.10.2021, as well as, the counter affidavit/status report filed by the State of Uttarakhand, will be made available by the Registry to the members of the Committee.

The Committee will be given full assistance by the (i) Revenue Officer, Dandu Kanalicheena; (ii) District Mining Officer, Geology and Mining Department, Uttarakhand; (iii) Forest Conservator, Pithoragarh; (iv) Executive Engineer, Irrigation Department, Pithoragarh; and (v) the Additional District Magistrate, Didihat.

The three members of the Committee will be entitled to an honorarium of Rs.1,00,000/- (Rupees one lakh only) each, which shall be paid by the appellant - N B Minerals Corporation Limited. In addition, the Committee will be paid the out-of-pocket expenses and other incidental expense(s) for visiting the site.

The said Committee will submit its report within a period of six weeks from the date a copy of this order is received by them.

Re-list after six weeks from the date the nominees/members of the Committee, as indicated above, are appointed.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
ASSISTANT REGISTRAR