GAHC010097502026

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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/1637/2026
IN
WA 89/2025

SKAMORD MINING PRIVAT LIMITED AND ANR
347
SANTOSH ROY ROAD
BARISHA
SAKHERBAZAR
JAMES LONG SARANI
KOLKATA - 700008. THROUGH ITS AUTHORISED REPRESENTATIVE MR. AJAHAR UDDIN
AGED ABOUT 30 YEARS SON OF ABDUL MANNAN
RESIDENT OF RUPAHI TOWN
SAMAGURI
DISTRICT NAGAON
ASSAM - 782125.

2: MR AJAHAR UDDIN

AUTHORIZED REPRESENTATIVE OF APPLICANT NO. 1 AGED ABOUT 30 YEARS
SON OF ABDUL MANNAN
RESIDENT OF RUPAHI TOWN
SAMAGURI
DISTRICT NAGAON
ASSAM - 782125.
VERSUS

THE UNION OF INDIA
THROUGH THE SECRETARY
MINISTRY OF MINES
GOVERNMENT OF INDIA

SHASTRI BHAWAN
NEW DELHI - 110001.

2:INDIAN BUREAU OF MINES
THROUGH THE CONTROLLER GENERAL
2ND FLOOR
INDIRA BHAWAN
CIVIL LINES
NAGPUR
MAHARASHTRA -440001

3:REGIONAL CONTROLLER OF MINES

BHUBANESWAR GUWAHATI REGIONAL OFFICE
HOUSE NO. 216
3RD FLOOR ABOVE IDBI BANK CHANDMARI
POST-BAMUNIMAIDAN
KAMRUPM
GUWAHATI 781021.

4:THE STATE OF ARUNACHAL PRADESH
THROUGH THE DIRECTOR OF MINES
DEPARTMENT OF GEOLOGY AND MINING
GOVERNMENT OF ARUNACHAL PRADESH
R K MISSION COMPOUND
ITANAGAR -791111 ARUNACHAL PRADESH.

5:MINISTRY OF ENVIRONMENT
FOREST AND CLIMATE CHANGE
THROUGH SECRETARY
INDIRA PARYAVARAN BHAWAN
JORBAGH ROAD
NEW DELHI - 110 003-110 003. PROPOSED RESPONDENT

6:STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
(SEIAA)
ARUNCHAL PRADESH
THROUGH THE CHAIRMAN
DEPARTMENT OF ENVIRONMENT AND FORESTS
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS
PCCF OFFICE COMPLEX
ITANAGAR
P. SECTOR
ARUNACHAL PRADESH
PIN-791111. PROPOSED RESPONDENT

Advocate for : MR R SENSUA
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA

BEFORE

HONOURABLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

09-06-2026
(Arun Dev Choudhury,J)

1. Heard Mr.P. Goswami, learned Senior counsel assisted by Mr. R. Sensua, learned counsel, for the applicants and Mr. U. Goswami, learned Dy. Solicitor General of India (Dy.SGI) for the opposite parties/respondents.

2. The present application has been filed for directions to the Ministry of Environment, Forest and Climate Change **(MoEF&CC,** in short**),** to process the relevant application of the applicants for Environmental Clearance in respect of the Laa-Lamdak Graphite Mining Project, District-Kamle, Arunachal Pradesh and/or to extend the Terms of Reference dated 14.07.2022 till the disposal of the connected writ appeal.

3. The background facts of the present litigation are in a narrow compass.

4. The Mining Plan for the Laa-Lamdak Graphite Deposit of the applicant No.1 was revoked on 07.01.2022, which was challenged in WP(C) No. 1861/2022. During the pendency of the said writ petition, the learned Single Judge of this Court had stayed the operation of the revocation order. Thereafter, State of Environment Impact Assessment Authority issued the Terms of Reference on 14.07.2022 for a detailed EIA study in respect of the project.

5. By the Judgment and Order dated 17.02.2025, the order of revocation however was upheld.

6. The applicants/appellants challenged the aforesaid judgment and order in the connected appeal and on 21.03.2025, the Co-ordinate Bench directed that no third-party rights shall be created by the State of Arunachal Pradesh in respect of the subject mineral blocks pending the appeal.

7. The Terms of Reference dated 14.07.2022, will expire on 14.07.2026.

8. Learned counsel for the applicants contends that if the direction is not issued, the TOR will lapse and once it lapses, the applicants would lose the benefit of substantially completed EIA work at an expenditure exceeding Rs. 50,00,000/-. He further contends that a fresh TOR would require the entire process to be re-initiated from scratch.

9. Let notice be issued to the respondents, more particularly, respondent No. 1 & newly impleaded respondent Nos. 5 & 6, returnable on **19.06.2026**.

10. In the meantime, the respondents may file their counter affidavit(s), if so advised.

11. List accordingly.

JUDGE **CHIEF JUSTICE**

Comparing Assistant