

GAHC010097502026



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

**Case No. : I.A.(Civil)/1642/2026**  
**IN**  
**WA 73/2025**

STHENOS CEMENTS PRIVATE 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  
DISTRIC

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 AND GUWAHATI REGIONAL OFFICE  
HOUSE NO. 216

3RD FLOOR ABOVE ID BANK CHANDMARI  
POSTBAMUNIM AidAN  
DIST- KAMRUPM  
GUWAHATI ASSAM-781021.

4:THE STATE OF ARUNACHAL PRADESH

THROUGH THE DIRECTOR OF MINES  
DEPARTMENT OF GEOLOGY AND MINING  
GOVERNMENT OF ARUNACHAL PRADESH  
RK MISSION COMPOUND  
ITANAGAR -791111 ARUNACHAL PRADESH.

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

**Advocate for the Petitioner** : MR R SENSUA, R A LAHKAR,P KUNDU,G KAUSHIK

**Advocate for the Respondent** : DY.S.G.I., GA, AP

Linked Case : WA/73/2025

STHENOS CEMENT PVT LTD  
347  
SANTOSH ROY ROAD  
BARISHA SAKHERBAZAR  
JAMES LONG SARANI  
KOLKATA-700008  
THROUGH ITS AUTHORISED REPRESENTATIVE MR. ARUN SARAF  
S/O MR. RAMAKANT SARAF  
R/O 347  
SANTOSH ROY ROAD  
BARISHA  
SAKHERBAZAR  
JAMES LONG SARANI  
KOLKATA-700008

2: MR ARUN SARAF  
SHAREHOLDER OF APPELLANT NO.1

SON OF MR. RAMAKANT SARAF  
OF 347  
SANTOSH ROY ROAD  
BARISHA  
SAKHERBAZAR  
JAMES LONG SARANI  
KOLKATA-700008  
VERSUS

THE UNION OF INDIA AND 3 ORS  
THROUGH THE SECRETARY  
MINISTRY OF MINES  
GOVT. OF INDIA  
SHASTRI BHAWAN  
NEW DELHI-110001

2:INDIAN BUREAU OF MINES  
THROUGH THE CONTROLLER GENERAL  
2ND FLOOR  
INDIRA BHAWAN  
CIVIL LINES  
NAGPUR  
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3:REGIONAL CONTROLLER OF MINES  
BHUBANESWAR AND GUWAHATI REGIONAL OFFICE  
HOUSE NO. 216  
3RD FLOOR ABOVE IDBI BANK CHANDMARI  
POST-BAMUNIMAIDAN  
DIST- KAMRUP(M)  
GUWAHATI ASSAM-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.)

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Advocate for : G KAUSHIK  
Advocate for : D.Y.S.G.I. appearing for THE UNION OF INDIA AND 3 ORS

**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 Talhia Graphite Mining Project, District-Upper Subansiri, Arunachal Pradesh and/or to extend the Terms of Reference dated 29.05.2023 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 Taliha Graphite Deposit of the applicant No.1 was revoked on 07.01.2022, which was challenged in WP(C) No. 1104/2022. 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 29.05.2023 for a detailed EIA study in respect of the project.
5. By 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 05.03.2025, 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 29.05.2023, will expire on 29.05.2027.
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 No. 5, 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**