

GAHC010097502026



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

Case No. : I.A.(Civil)/1641/2026
in
WA No.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
DISTRICT
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
POSTBAMUNIMAIDAN
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 RESPONDENT

Advocate for : MR R SENSUA
Advocate for : D.Y.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 by the applicants/appellants, seeking impleadment of **the Ministry of Environment, Forest and Climate Change (MoEF&CC in short), through its Secretary** as the Proforma respondent/opposite party No. 5 in the connected WA No. 73/2025 and permission to carry out consequential amendments in the memo of parties.
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 The Mining Plan for the Taliha Graphite Deposit of the applicant No.1 was revoked on 07.01.2022, which was challenged in WP(C) No. 1104/2022.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. Contending that since the MoEF&CC is the statutory authority charged

with appraisal and grant of Environmental Clearance for the project under the EIA Notification, 2006, it is now necessary to implead the MoEF&CC as the respondent/opposite party No. 5 in the connected appeal.

9. Mr. U. Goswami, learned Dy. SGI and Mr. A. Chandran, learned Senior Government Advocate, Arunachal Pradesh have not objected to the prayer of the applicants/appellants and Mr. Goswami, learned Dy. SGI submits that he shall represent the newly impleaded respondent/opposite party No. 5.
10. Having gone through the pleadings as well as the materials available on record and taking note of the peculiar facts and circumstances of the case, we are of the opinion that aforesaid party, is required to be impleaded as respondent/opposite party No.5 in the connected appeal for its proper adjudication.
11. The applicants shall furnish a fresh memo of parties before the Registry. Accordingly, Registry shall do the needful.
12. With the aforesaid, this Interlocutory Application stands disposed off.

JUDGE

CHIEF JUSTICE

Comparing Assistant