

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE No:

Writ Petition Nos.8883 of 1992; 16424 of 1993; 11871, 13690, 18444, 19635, 22314, 22946, 22965, 22966, 22968, 22971, 22973, 22974, 22975 and 22976 of 1994; 428, 720, 733, 1083, 1802, 1810, 1814, 2064, 2077, 2079, 2247, 2886, 3039, 3204, 3524, 3613, 3614, 3762, 4306, 4311, 4332, 4439, 4441, 4474, 4670, 5659, 5953, 5956, 6159, 6651, 6684, 6700, 6710, 7008, 7261, 7289, 7319, 7367, 7399, 7425, 7426, 7492, 8364, 8783, 9783, 9785, 9855, 9858, 10024, 10125, 11808, 12328, 13989, 15667, 21454, 21941, 23129, 23130 and 23458 of 1995; 3075 of 1996 and 29387 of 1998

PROCEEDING SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
1.	24.07.2024	<u>CJ, AKSJ, TVKJ, KLJ AND BVRJ</u> Mr. G.Vidya Sagar, learned Senior Counsel representing Ms. K.Udaya Sri; Mr. A.Krishna Murthy, learned counsel representing Mr. C.Niranjan Rao; Ms. K.Mamata Choudary and Mr. M.Sridhar, learned counsel representing Mr. Challa Gunaranjan; and Ms. P.Vijaya Lakshmi, learned counsel representing Ms. N.Shoba, appear for the petitioners.	Transferred to i/o folder, before corrections, if any.

		Mr. A.Sudarshan Reddy, learned Advocate General assisted by Mr. Swaroop Oorilla, learned counsel, appears for the respondents. Ms. Ande Vishala, learned counsel representing Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India for the Union of India. These matters arise for our consideration in view of the order dated 22.11.2005 passed by the Supreme Court in Civil Appeal Nos.2885-3035 of 1998. The order of remand is extracted below for the facility of reference: “All these appeals need be remitted to the High Court to be considered afresh in the light of the Constitution Bench decision of this Court in State of West Bengal vs. Kesoram Industries Limited ((2004) 10 SCC 201), more particularly the principles set out in paragraph 129 of the judgment. While hearing the matters afresh, the principles indicated in the judgment of this Court in Federation of Andhra Pradesh Chamber of Commerce and Industries vs. State of Andhra Pradesh [(2000) 6 SCC 550] shall also be taken note of. The appeals are accordingly disposed of. No costs.”	
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		This Court is required to consider the matter afresh in the light of the decision of the Supreme Court in State of West Bengal v. Kesoram Industries Limited ((2004) 10 SCC 201) and a reference has to be made to the principles set out in paragraph 129 of the aforesaid judgment. However, the correctness of the view taken by the Five Judge Bench of the Supreme Court in Kesoram Industries Limited (supra) has been doubted by the Supreme Court vide order dated 30.03.2011 in Civil Appeal Nos.4056-4064 of 1999 (Mineral Area Development Authority v. M/s. Steel Authority of India) in view of divergence of views of the decisions of the Supreme Court in India Cement Ltd. v. State of Tamil Nadu (AIR 1990 SC 85) and Kesoram Industries Limited (supra). A Nine Judge Bench has heard the reference on 14.03.2024 and has reserved the same for judgment. We, therefore, in the facts and circumstances of the case, deem it appropriate to await the decision of the Nine Judge Bench of the Supreme Court in Mineral Area Development Authority v. M/s. Steel Authority of India (supra).	
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		The hearing is, therefore, deferred. However, liberty is granted to the learned counsel for the parties to mention the matters before the Registrar (Judicial) as and when the reference is answered by the Supreme Court.	
			CJ (AAJ)
			AKS,J
			TVK,J
			KL,J
			BVR,J
		vs	