

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

I.A. No.s 2 & 4 andIn

Petition(s) for Special Leave to Appeal (Civil) No(s).8567/ 2008

(From the judgement and order dated 14/12 / 2 007 in W P No. 6646 /2006 of Th\12223e H I G H C O U R T O F O R I S S A AT C U T T A C K)

B H U S H A N P O W E R & S T E E L L T D. & O R S.

Petitioner(s)

V E R S U S

S T A T E O F O R I S S A & A N R.

Respondent(s)

(With appln(s) for intervention,directions,clarification/ modification of court's order dt. 21.4.2008 and office report)

Date: 10/02 / 2 009 This Petition was called on for hearing today.

C O R A M :

H O N' B L E M R. J U S T I C E A L T A M A S K A B I R

H O N' B L E M R. J U S T I C E C Y R I A C J O S E P H

For Petitioner(s) Mr. Mu k ul Rohtagi,Sr.Adv.

Mr. E.C. Agrawala,Adv.

Mr. Mahesh Agarwal,Adv.

Mr. Rishi Agrawawla,Adv.

Mr. Gaurav Goel,Adv.

Mr. Amit Kumar Sharma,Adv.

For Respondent(s) Mr. Altaf Ahmed,Sr.Adv.

Mr. Shyam Divan,Sr.Adv.

Mr. K.V. Viswanathan,Adv.

Mr. Saurabh Kirpal,Adv.

Ms. Mseenakshi Grover,Adv.

Mr. Ashok Panigrahi,Adv.

Mr. Yashpal Mohanty,Adv.

Mr. Satya Mitra Garg ,Adv

Mr. Jana Kalyan Das,Adv.

Mr. Sunil Kumar Jain ,Adv

Mr. Aneesh Mittal,Adv.

Mr. A.K. Soni,Adv.

Ms. Jaya Tomar,Adv.

Mr. Sanjay Jain ,Adv

UPON hearing counsel the Court made the following

O R D E R

We have taken up I.A. Nos. 4 & 5 and I.A. No. 6/09, which

have been filed by M / s Adhunik Metaliks Ltd. & Ors., and Geomin

Minerals & Marketing (P) Ltd., inter alia, praying

-2-

for leave to intervene in the Special Leave Petition filed by M / s

Bhushan Power & Steel Ltd. & Ors.

The main ground which has been urged on behalf of the applicants in these applications is that they are being adversely affected by the interim order of status quo passed by this Court on 21 st April,

2008, by which we had directed the parties in the Special Leave Petition to maintain status quo with regard to the lands indicated in the applications filed by the petitioners in the Special Leave Petition for grant of mining lease.

It has been submitted that the areas mentioned in the applications also cover the areas for which the applicants had applied for grant of prospecting licences.

According to the applicants, on account of the order of status quo, which also overlaps the portion for which they had applied for licences, their applications are not being processed by the State Government and they are also being prevented from carrying out prospecting exercises which is a pre-requisite for applying for grant of mining lease under the provisions of Section 5 of the Mines and Minerals (Regulation and Development) Act, 1957. In fact, in the writ petition filed before the High Court, the first prayer was for a declaration that the impugned letter dated 31 st December, 2005, by which the petitioner's Memorandum of Understanding was cancelled, was illegal and void. Apart from the above, it has also been submitted that although the State of Orissa has indicated that the Memorandum of Understanding of the petitioner was land/area specific, the

-3-

Memorandum clearly indicates the areas in respect whereof the State of Orissa had agreed to grant the mining lease for extracting iron ore to meet the requirements of the petitioner's company for a certain number of years.

Having considered the submissions made on behalf of the respective parties, we are not inclined to allow the applications for intervention, since in our view, the subject matter of the Special Leave Petition is essentially between the petitioner and the State of Orissa and the proposed intervenors have no say as far the said matter is concerned. As there is a likelihood of the applicants being affected by the interim order of status quo, we direct that the Special Leave Petition itself be disposed of expeditiously.

The respondents in the Special Leave Petition will be entitled to file their counter affidavit within two weeks. Rejoinder affidavit, if

any, be filed within a week thereafter. List the Special Leave Petition for final disposal on 18 th March, 2009. The I.A. Nos. 2, 3, 4, 5 and 6 are disposed of.

(Ganga Thakur)
P.S. to Registrar

(Juginder Kaur)
Court Master