

ITEM NO.13

COURT NO.8

SECTION XIA

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

Petition(s) for Special Leave to Appeal (C) No(s).6810/2012

(Arising out of the impugned final judgment and order dated 13.02.2012 in WP(C) No.2297 of 2012 passed by the High Court of Orissa at Cuttack)

M/S. FERRO ALLOYS CORPORATION LTD.

Petitioner(s)

VERSUS

STATE OF ORISSA & ORS.

Respondent(s)

(with appln. (s) for directions and interim relief and office report)

Date : 12/01/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s) Mr. Pallav Shishodia, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Ankur Saigal, Adv.
Mr. Abhinav Agarwal, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. A.K. Panda, Sr. Adv.
Mr. Shailender Saini, Adv.
Mr. S.N. Bhatt, Adv.
Mr. Ravi Panwar, Adv.
Mr. S.N. Terdal, Adv.
Mr. B. Krishna Prasad, AOR

Mr. Shibashish Misra, AOR

UPON hearing the counsel the Court made the following

O R D E R

The only dispute in this case is with regard to the duration of the lease for mining. According to the petitioner, the lease was to expire in 2014 while

according to the respondents the lease was to expire in 2012. Both the dates have since long gone by.

On 6th February, 2013, this Court had passed the following order:

"In the counter affidavit, the State of Odisha - respondent No.1 - has, inter alia, set up the plea that area of 187.03 hectares of the petitioner's Boula chromite mine is inside Hadagarh Wildlife Sanctuary.

As this fact is denied by the petitioner and it is stated that subject mining area is outside Hadagarh Wildlife Sanctuary, we are of the view that it would be appropriate if the Union of India, Ministry of Environment and Forest seeks assistance of the Central Empowered Committee (CEC) to find out the actual status of the subject mining area whether it falls within Hadagarh Wildlife Sanctuary or not and then report to this Court by way of an affidavit.

Mr. R.P. Bhatt, learned senior counsel, submits that this exercise may take about three weeks.

List the matter after four weeks.

In the meanwhile, Union of India shall file affidavit/report as indicated above.

It is clarified that CEC shall find out actual status of the subject mining area uninfluenced by the decision given by the Civil Court on August 27, 2008 in Civil Suit No.16 of 2007 against which an appeal has been preferred and is pending before the Court of District Judge."

Pursuant to the order passed by this Court, the Central Empowered Committee has submitted a report dated 5th February, 2014 in which it is concluded as follows:

"19. In the above background, the CEC is of the considered view that the said lease area of M/s FACOR falls within the Hadagarh Wildlife Sanctuary and that in view of the orders passed by the Hon'ble Supreme Court from time to time in Writ Petition(Civil) No.202/1995 particularly the orders dated 14th

February, 2000 and 4th August, 2006, the mining operation are not permissible in the said area."

In view of the Report given by the CEC, to which we find no reason to reject, nothing further survives in this matter. It is disposed of accordingly.

Pending application, if any, is also disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(JASWINDER KAUR)
COURT MASTER