

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) Nos.7366-7367/2010

(From the judgement and order dated 26/02/2010 in WP No.25910/2009
and WP No.26083/2009 of The HIGH COURT OF A.P. AT HYDERABAD)

GOVT.OF A.P.& ORS. Petitioner(s)

VERSUS

M/S OBULAPURAM MINIG.CO.P.LTD.& ORS. ETC. Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned
judgment, directions, prayer for interim relief and office report)

With S.L.P. (C) Nos.32690-32691/2010
(With prayer for interim relief and office report)

W.P. (Crl.) No.66 of 2010
(With appln(s) for directions and office report)

S.L.P. (C) Nos.17064-17065 of 2010
(With appln.(s) for vacating stay, prayer for interim relief and
office report)

Writ Petition (C) No.562 of 2009
(With appln(s) for ex-parte stay, permission to file additional
documents, exemption from filing O.T., directions and impleadment)

S.L.P. (C) No...../2010 (CC 16829/2010)
(With appln(s) for c/delay in filing SLP and office report)

S.L.P. (C) No...../2010 (CC 16830/2010)
(With appln(s) for c/delay in filing SLP and office report)

Writ Petition (C) No.411 of 2010
(With appln.(s) for directions and office report)

S.L.P. (C) No.353 of 2011
(With prayer for interim relief and office report)

S.L.P. (C) Nos.15655-15658/2011
(With appln(s) for permission to file SLPs, prayer for interim
relief and office report)

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S.L.P. (C) Nos.15659-15684/2011
(With appln(s) for permission to file SLPs, prayer for interim
relief and office report)

Date: 29/07/2011 These Matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE SWATANTER KUMAR

Mr. Shyam Divan,Sr.Adv. (A.C.)
Mr. A.D.N. Rao,Adv.(A.C.)
Mr. Siddharth Chaudhary,Adv.(A.C.)

For Petitioner(s) Mr. Goolam E. Vahanvati,AG.

In SLP 7366-67/2010: Mr. T.V. Ratnam,Adv.
In SLP 17064-65/2010: Mr. Parag P. Tripathi,ASG.
Mr. T.V. Ratnam,Adv.
In SLP 32690-91/2010: Mr. Sindhu T.P.,Adv.
Mr. P.V. Vinod,Adv.
Mr. P.V. Dinesh,Adv.
In WP 66/2010: Mr. Prashant Kumar,Adv
Ms. Triveni Potekar,Adv.
Mr. Amit Singh,Adv.
Mr. Merusagar Samantaray,Adv.
In WP 562/2009: Mr. Prashant Bhushan,Adv.
Mr. Pranav Sachdeva,Adv.
In CC 16829/2010 and
16830/2010: Mr. Sridhar Potaraju,Adv.
In WP 411/2010: Mr. Anil B. Divan,Sr.Adv.
Mr. K. Gooptu,Adv.
Mr. Ranvir Singh,Adv.
Mr. P. Ramesh Kumar,Adv.
In SLP 353/2011: Mr. G. Umapathy,Adv.
Ms. Sudha Umapathy,Adv.
Mr. Rakesh K. Sharma,Adv.
In SLP 15655-58/11 &
15659-84/11/2011: Mr. A.D.N. Rao,Adv.

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For Respondent(s) Mr. Sridhar Potaraju,Adv.
For MoEF: Mr. Goolam E. Vahanvati,AG.
Mr. Nishanth Patil,Adv.
Mr. Harris Beeran,Adv.
Mr. H.P. Raval,ASG.
Mr. Ashok Bhan,Sr.Adv.
Ms. Asha G. Nair,Adv.
Mr. Satya Siddiqui,Adv.
Mr. S.K. Mishra,Adv.
Mr. S.S. Rawat,Adv.
Ms. Ranjana Narayan,Adv.
Mr. B.K. Prasad,Adv.
Mr. D.S. Mahra,Adv.
Mr. Rakesh K. Sharma,Adv.
Mr. P.V. Dinesh,Adv.
Ms. T.P. Sindhu,Adv.
Mr. P.V. Vinod,Adv.
Mr. R.G. Kolle,Adv.
Ms. Anitha Shenoy,Adv.
Ms. Rashmi Nandakumar,Adv.
Mr. G.N. Reddy,Adv.
Mr. P.P. Malhotra,ASG.
Ms. Sukhbeer Kaur Bajwa,Adv.
Mr. Gaurav Sharma,Adv.
Mr. S.N. Terdal,Adv.
Mr. Harin P. Raval,ASG.
Mr. Ashok K. Srivastava,Adv.

Mr. B.K. Prasad, Adv.

Mr. C.A. Sundaram, Sr. Adv.
Mr. Manu Nair, Adv.
Mr. Anuj Berry, Adv.
for M/s. Suresh A. Shroff & Co., Advs.

For FIMA:

Mr. D.A. Dave, Sr. Adv.
Ms. Kiran Suri, Adv.
Mr. K.N. Phanindra, Adv.
Mr. Vijay Verma, Adv.

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Mr. F.S. Nariman, Sr. Adv.
Mr. Sunil Dogra, Adv.
for M/s. Lawyers Knit and Co., Advs.

Ms. C.K. Sucharita, Adv.

Mr. A.K. Sharma, Adv.

Mr. Sanjay R. Hegde, Adv.
Mr. Anil Kumar Mishra, Adv.

Mr. Parag P. Tripathi, ASG.
Mr. Anuj Bhandari, Adv.

Mr. Ranjit Kumar, Sr. Adv.
Mr. Jay Savla, Adv.
Mr. D. Julius Raimei, Adv.
Mr. Sumit Ghosh, Adv.
Ms. Renuka Sahu, Adv.

Mr. S. Ganesh, Sr. Adv.
Mr. Syed Naqvi, Adv.
Ms. Namrata Kapoor Sharma, Adv.
Mr. Kunal Verma, Adv.

Mr. D.L.N. Rao, Sr. Adv.
Mr. S.K. Kulkarni, Adv.
Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, Adv.

Mr. R.S. Suri, Sr. Adv.
Mr. Avinash Kumar, Adv.

For NMDC Ltd.:

Mr. Parag P. Tripathi, ASG.
Mr. S. Sukumaran, Adv.
Mr. Anand Sukumar, Adv.
Mr. Bhupesh Kumar Pathak, Adv.
Ms. Meera Mathur, Adv.

Mr. V. Giri, Sr. Adv.
Mr. Shekhar G. Devasa, Adv.
Mr. Aljo K. Joseph, Adv.
Mr. D.K. Garg, Adv.

Mr. P. Viswanatha Shetty, Sr. Adv.
Mr. Sashi Karan Shetty, Adv.
Dr. Sushil Balwada, Adv.

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Dr. A.M. Singhvi, Sr. Adv.
Mr. Sanjeev K. Kapoor, Adv.
Mr. Rajat Jariwal, Adv.
Mr. Gaurav Juneja, Adv.

UPON hearing counsel the Court made the following
O R D E R

In continuation of our earlier Orders dated 29th April, 2011, and 6th May, 2011, we are of the view that mining operations and transportation in an area ad-measuring approximately 10,868 hectares in Bellary District be immediately suspended till further orders. We are satisfied that, on account of over-exploitation, considerable damage has been done to the environment. We are taking a holistic view of the matter. We have suspended these operations keeping in mind the precautionary principle, which is the essence of Article 21 of the Constitution. [See M.C. Mehta vs. Union of India & Ors., reported in 2009 (6) S.C.C. 142].

The matter shall stand over for one week.

In the meantime, we direct Ministry of Environment and Forest ['MoEF', for short] to submit an interim Report indicating what is the requirement of Steel Industry in India as far as iron ore is concerned. Secondly, out of the total requirement of the Steel Industry in the Country, how much is met by the Bellary mines. Lastly, how much of the quantity of iron ore is domestically required and internationally exported? The MoEF will obtain this requisite information from the Ministries of Mines, Steel and Commerce.

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The Secretary, MoEF, will immediately convene a meeting of the Secretaries of the concerned Ministries and furnish a Report within a week.

We further direct CEC to submit a Report on Environment Impact Assessment on account of mining in Tumkur and Chitradurga Districts within a period of three weeks.

Affidavits filed by parties are taken on record.

[T.I. Rajput]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar