

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) No(s).20758/2005

(From the judgement and order dated 17/12/2004 in WP No. 33528/2004
& WP No. 34436/2004 of the HIGH COURT OF MADRAS)

O.FERNANDES

Petitioner(s)

VERSUS

T.N.P.C.B. & ORS.

Respondent(s)

(With prayer for interim relief and office report)

WITH W.P(C) NO. 15 of 2008

(With office report)

SLP(C) NO. 19176 of 2005

(With prayer for interim relief and office report)

IA No. 5 in T.C.(C) NO. 26 of 2007

(for directions and office report)

W.P(C) NO. 413 of 2007

(With appln for exemption from filing O.T. and ad-interim orders
and permission to file addl. documents and office report)

W.P(C) NO. 485 of 2007

(With appln. for ex-parte stay and office report)

W.P(C) NO. 600 of 2007

(With appln. for exemption from filing O.T. and ex-parte stay
and office report)

W.P(C) NO. 630 of 2007

(With appln. for injunction and exemption from filing O.T. and
office report)

Date: 21/04/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE J.M. PANCHAL

.....2/-

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For Petitioner(s):

Mr. Krishnan Venugopal, Sr. Adv.
Ms. Deeksha Mishra, Adv.
Mr. Rohit Mishra, Adv.
Mr. Amit Pawan, Adv.

Mr. M.N. Krishnamani, Sr. Adv.
Mr. D. Bharat Kumar, Adv.
Mr. Bupender Yadav, Adv.
Mr. P.V. Yogeswaran, Adv.

Mr. T. Mohan, Adv.
Mr. Trideep, Adv.
Mr. Shivam Sharma, Adv.
Mr. Nikhil Nayyar, Adv.

Mr. S.Guru Krishna Kumar, Adv.
Mrs. Shrikala Guru Krishna Kumar, Adv.

Dr. Subramanian Swamy, in-person
(applicant in IA No. 5 in TP (C) 26/2007)

For Respondent(s):

Mr. M.A. Chinnasamy, Adv.
Mr. V. Senthil Kumar, Adv.

Mr. Mohan Jain, Adv.
Mr. D.K. Thakur, Adv.
Ms. Rohini Mukherjee, Adv.
Mr. S.N. Terdal, Adv.
Ms. Yogita Yadav, Adv.

Mr. T. Harish Kumar, Adv.
Mr. Prasanth P., Adv.
Mr. V. Vasudevan, Adv.

Mr. H.P. Raval, ASG
Mr. T.A. Khan, Adv.
Mr. D.S. Mahra, Adv.

Mr. V.G. Pragasam, Adv.

Mr. B. Krishna Prasad, Adv.

Mr. Shiv Sagar Tiwari, Adv.

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

On 14.12.2009, this Court directed Union of India to explore the possibility of an alternative alignment for the Sethusamudram Project. Thereafter, the Central Government decided to set up an Expert Committee headed by Dr. R.K. Pachouri, Director General, T.E.R.I., and we are told that the Committee has already started working on it. It is brought to our notice that the National Institute of Oceanography will draft the terms of reference for assessing the environmental aspect of alignment No. 4A and it is stated that there would be variations depending on the climate change and given the variations in ocean currents, wind patterns and related sedimentation as well as other phenomena related to weather, it would be incomplete to arrive at an Environmental Impact Analysis on the basis of information which is less than the entire annual cycle, i.e. 365 days. There would also be issues of impacts on marine life and on species that would depend on the variability of factors throughout the year and which cannot, under any circumstances, be treated as uniform. Consequently, a full, comprehensive and valid Environment Impact Analysis would require one year and then only there would be a whole exercise.

The team has commenced its work only from January 2010 and the report would be available only by February 2011.

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Accordingly, keeping in view the above

circumstances, this case be posted by the end of February 2011 and be not treated as part-heard.

(N.S.K. Kamesh)
Court Master

(R. K. Sharma)
Court Master