

L
ITEM NO.3
[PART-HEARD]

COURT NO.6

SECTION PIL

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

WRIT PETITION (CIVIL) NO(s). 435 OF 2012

GOA FOUNDATION

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With application for directions, modification of Court's order and direction/modification, intervention, interim Relief, impleadment, modification, stay/direction, clarification of Court's order, permission to file additional affidavit and office report)

WITH

T.C. No..... @ T.P.(C) NO. 8 of 2013

[V.M. SALGAOCAR & BROTHER PVT. LTD. & ANR. V. THE SHAH COMMISSION OF INQUIRY & ORS.]

(With office report)

T.C. No..... @ T.P.(C) NO. 230 of 2013

[GOA MINING ASSOCIATION V. SHAH COMMISSION & ORS.]

(With application for ex-parte stay and office report)

IA NO. 2580 & 2669 in IA 2580 in WP(C) NO.202/1995

[T.N. GODAVARMAN THIRUMULPAD V. UNION OF INDIA & ORS.]

(Recommendations of CEC in Application No. 1041 and directions)

T.C. No..... @ T.P.(C) No. 1441 of 2013

[DEEPAK M. GHARSE V. UNION OF INDIA & ORS.]

(With office report)

T.C. No..... @ T.P.(C) No. 1186 of 2013

[M/S. PANDURANG TIMBLO INDUSTRIES & ORS. V. THE SHAH COMMISSION OF INQUIRY AND ORS.]

(With office report)

T.C. No..... @ T.P.(C) No. 574 of 2013

[SOCIEDADE TIMBLO IRMAOS LIMITADA & ANR. V. UNION OF INDIA & ORS.]

(With office report)

T.C. No..... @ T.P.(C) No. 766 of 2013

[ANA BERTA DO REGO E. FERNANDES & ANR. V. UNION OF INDIA & ORS.]

(With application for ex-parte stay and office report)

T.C. No..... @ T.P.(C) No. 770 of 2013

[SOCIEDADE TIMBLO IRMAOS LIMITADA & ANR. V. UNION OF INDIA & ORS.]

(With application for ex-parte stay and office report)

T.C. No..... @ T.P.(C) No. 776 of 2013

[SHRI ALEIXO MANUAL C.P. DA COST V. UNION OF INDIA & ORS.]

(With application for ex-parte stay and office report)

T.C. No..... @ T.P.(C) No. 836 of 2013

[KUNDA RAGHUVIR GHARSE V. UNION OF INDIA & ORS.]

(With application for ex parte stay and office report)

T.C. No..... @ T.P.(C) No. 864 of 2013

[NOOR MOHD. ABDUL KARIM & ANR. V. UNION OF INDIA & ORS.]

(With application for ex parte stay and office report)

T.C. No..... @ T.P.(C) No. 866 of 2013
[KAMALINI RAMAKANT PAIGUINKAR & ORS. V. UNION OF INDIA & ORS.]
(With application for ex parte stay and office report)

T.C. No..... @ T.P.(C) No. 869 of 2013
[M.S BADDRUDINHASSAINBHAI MAVANI V. UNION OF INDIA & ORS.]
(With application for ex parte stay and office report)

Date: 24/09/2013 These Petitions/Applications were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

AMICUS CURIAE

Mr. Harish N. Salve, Sr. Adv. (NP)
Mr. Uday Umesh Lalit, Sr. Adv. (NP)
Mr. A.D.N. Rao, Adv.
Mr. Siddharth Chowdhury, Adv.
Mr. M.K. Jiwrajika, Member Secretary
Central Empowered Committee

For Petitioner (S) Mr. Prashant Bhushan, Adv.
In WP 435 Ms. Norma Alvares, Adv.
Mr. Pranav Sachdeva, Adv.

In Rest of the TPs Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Rayan, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Adv.

In TP 1441 Mr. R.A. Dada, Sr. Adv.
Mr. Yashraj Singh Deora, Adv.

In TP 574
For M/s Mitter & Mitter Co., Adv.

In TP 1186 Mr. Ranjit Kumar, Sr. Adv.
Mr. Nitin Sardesai, Adv.
Mr. Santosh Paul, Adv.
Mr. Arvind Gupta, Adv.
Mr. Piyush Sharma, Adv.
Ms. Savita Singh, Adv.
Mr. Santosh S. Anurlekar, Adv.
Mr. Sanmit Bodke, Adv.
Mr. Harish Pandey, Adv.

For Applicant (s)
In IA 1, 35 & 76
Goa Foundation Mr. Prashant Bhushan, Adv.
Ms. Norma Alvares, Adv.
Mr. Pranav Sachdeva, Adv.

In IA 3
Goa Mining Labour Mr. Colin Gonsalves, Sr. Adv.
Welfare Union Ms. Jubli Momalia, Adv.
Ms. Jyoti Mendiratta, Adv.

In IA 5 & 6
M/s HL Nathurmali Mr. Amit Sharma, Adv.
 Mr. Kunal A. Cheema, Adv.

In IA 7 & 8
Goa Mining Assn. Mr. K.K. Venugopal, Sr. Adv.
 Mr. Chander Uday Singh, Sr. Adv.
 Mr. Pratap Venugopal, Adv.
 Ms. Surekha Raman, Adv.
 Mr. Varun Singh, Adv.
 Ms. Meenakshi Chauhan, Adv.
 Mr. Anuj Sarma, Adv.
 Mr. Gaurav Nair, Adv.
 For M/s. KJ John & Co., Advs.

In IA 10 & 72 Mr. Mukul Rohtagi, Sr. Adv.
Sesa Goa Ltd. Mr. Ninad Laud, Adv.
 Ms. Meenakshi Chatterjee, Adv.
 Mr. Jayant Mohan, Adv.

In IA 11, 12 & 60 Ms. Kiran Suri, Sr. Adv.
Cose Costa & Sons Mr. S.J. Amith, Adv.
 Mr. Nakibur Rahman Barbhuiya, Adv.
 Ms. Ritika Gambhir, Adv.
 Dr. (Ms.) Vipin Gupta, Adv.

In IA 13, 14 & 59 Mr. R.A. Dada, Sr. Adv.
Sociedade Timblo Mr. Yashraj Singh Deora, Adv.
Irmaos Limitada Ms. Anupama Dhurve, Adv.
 Mr. Abhishek Puri, Adv.
 Mr. Parag Rao, Adv.
 Ms. Swati Kamat, Adv.
 For M/s. K.J. John & Co., Advs.

In IA 15 & 16 Ms. Triveni Poteker, Adv.
Garge Barge Owners' Mr. Chandra Shekhar Ashri, Adv.
Assn.

In IA 17 & 18 Mr. K.K. Venugopal, Sr. Adv.
Aleixo Manual Mr. Chander Uday Singh, Sr. Adv.
C.P. Costa Mr. Pratap Venugopal, Adv.
 Ms. Surekha Raman, Adv.
 Mr. Varun Singh, Adv.
 Ms. Meenakshi Chauhan, Adv.
 Mr. Anuj Sarma, Adv.
 Mr. Gaurav Nair, Adv.

In IA 19, 20 & 21 Mr. Shikhil Suri, Adv.
Salvia Oliver Mr. Shiv Kumar Suri, Adv.
Rodrigues Mr. Chandrika Prasad Mishra, Adv.

In IA 22 & 77 Mr. Shikhil Suri, Adv.
Sudip N. Tamankar Mr. Shiv Kumar Suri, Adv.
 Mr. Chandrika Prasad Mishra, Adv.
 For Mr. P.V. Yogeswaran, Adv.

In Ias 23-33 Mr. K.K. Venugopal, Sr. Adv.
Ramcanta Visnum, Mr. Chander Uday Singh, Sr. Adv.
Sociedade Sir Maha Mr. Pratap Venugopal, Adv.
Laxmi, Shaikh Ms. Surekha Raman, Adv.
Abdul Kuddus Mr. Varun Singh, Adv.
Com. Mineraria Pro. Ms. Meenakshi Chauhan, Adv.
Ltda. Bhanudas, Mr. Anuj Sarma, Adv.
Emco, Shashikala, Mr. Gaurav Nair, Adv.
Atchuta Visnum,
Rajaram Bandekar
Mines, Smt. Shakuntala
bai & Orient Goa

In IA 38
Dr. Prafulla R.
Hede Mines

Mr. M.N. Krishnamani, Sr. Adv.
Mr. Bhavani Shankar Gadnis, Adv.
Mr. A. Venayagam Balan, Adv.

In IAS 39-40
Motiram Data
Goundalkar
Ghanshyam
Sardesai

Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 41, 71 & 72
M/s. Bandekar Bros
Pvt. Ltd.

Mr. C.A. Sundaram, Sr. Adv.
Mr. Parijat Sinha, Adv.
Ms. Reshmi Rea sinha, Adv.
Mr. Anil Kumar Mishra, Adv.
Mr. S.C. Ghosh, Adv.

In IA 42
M/s Madachem Bat
Mines Pvt. Ltd.

Mr. C.A. Sundaram, Sr. Adv.
Mr. Parijat Sinha, Adv.
Ms. Reshmi rea Sinha, Adv.
Mr. Anil Kumar Mishra, Adv.
Mr. S.C. Ghosh, Adv.

In IA 43 & 44
Village Panchayat of
Kirlapal-Dabal & Ors.

Ms. Madhu Sikri, Adv.

In IA 45
M/s Baddruddin
Hussainbhai Mavani

Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Advs.

In IA 46
Kamalini Ramakant
Painguinkar & Ors.

Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Advs.

In IA 47
Pandurang Timblo
Inds. & Anr.

Mr. Ranjit Kumar, Sr. Adv.
Mr. Nitin Sardesai, Adv.
Mr. Santosh Paul, Adv.
Mr. Arvind Gupta, Adv.
Mr. Piyush Sharma, Adv.
Ms. Savita Singh, Adv.
Mr. Santosh S. Anurlekar, Adv.
Mr. Sanmit Bodke, Adv.
Mr. Harish Pandey, Adv.

In IA 48 & 49
Rajesh P.

Mr. Rohit M. Alex, Adv.
Mr. P.S. Sudheer, Adv.

Timbloo Mr. Rishi Maheshwari, Adv.
Mr. Anshul Gupta, Adv.

In IA 50
M/s Sarda Energy Mr. Shivam Sharma, Adv.
& Minerals Ltd. Mr. Mohan Pandey, Adv.

In IA 51
M/s Noor Mohd.
Abdul Karim & Anr. Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 52
Ramesh Sajo Mr. Shikhil Suri, Adv.
Gauns & Ors. Mr. Shiv Kumar Suri, Adv.
Mr. Chandrika Prasad Mishra, Adv.

In IA 53
Girish M. Mr. Sriram Parakkat, Adv.
Tendulkar & Ors. Mr. Ishaan George, Adv.
Mr. Vishnu Shankar Jain, Adv.
Ms. Sudha Gupta, Adv.

In IA 54
Gomantak Inv. Mr. Ninad Laud, Adv.
Pvt. Ltd. Ms. Aparna Singhal, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. E.C. Agrawala, Adv.

In IA 55 & 56 Mr. Ninad Laud, Adv.
Damodar Mangalji Ms. Aparna Singhal, Adv.
& Co. Ltd. Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. E.C. Agrawala, Adv.

In IA 57
Geetabala Manohar Mr. Dhruv Mehta, Sr. Adv.
Naik Parulekar Mr. Yash Raj Deora, Adv.
Mr. Anupam Dhurve, Adv.
Ms. Jayashree Wad, Adv.
Mr. Ashish wad, Adv.
Ms. Tamali Wad, Adv.
Ms. Kanika Baweja, Adv.
Ms. Niharika Bapna, Adv.
For M/s J.S. Wad & Co., Advs.

In IA 58
Ana Berta Do
Rego E. Fernandes Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s K.J. John & Co., Advs.

In IA 61 & 62 Mr. Dhruv Mehta, Adv.
G.N. Agrawal Mr. Sameer Athyankar, Adv.
Mr. Yashraj Singh Deora, Adv.
Mr. Anupam Dhurve, Adv.
Mr. M.P. Jha, Adv.

In IA 63, 64 & 65 Mr. C.A. Sundaram, Sr. Adv.
Chowgule & Co. Mr. Sumit Goel, Adv.
Pvt. Ltd. Ms. Sarab Jot Walia, Adv.
For M/s Parekh & Co., Advs.

In IA 66 & 67 Mr. R.A. Dada, Sr. Adv.
Hardesh Ores Mr. Rajesh Kumar, Adv.
Pvt. Ltd. Ms. Anupama Dhurve, Adv.
Mr. Abhishek Puri, Adv.
Mr. Mohit Abraham, Adv.

In IA 68
Goa Mining
Foundation Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 69 & 70
Timblo Enterprises Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 74
Crisna Mucunda
Camotim Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 75
Jaisinh Maganlal Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s K.J. John & Co., Advs.

In IA 78
Shantilal Kushaldas Ms. Kiran Suri, Sr. Adv.
& Bros P. Ltd. Dr. (Ms.) Vipin Gupta, Adv.
Mr. S.J. Amith, Adv.
Ms. Ritika Gambhir, Adv.
Mr. Nakibur Rahman Barbhuiya, Adv.

In IA 2580 & 2669 Mr. C.A. Sundaram, Sr. Adv.
Mr. Sumit Goel, Adv.
Ms. Sarab Jot Walia, Adv.
For M/s. Parekh & Co., Advs.

Mr. Colin Gonsalves, Sr. Adv.
Ms. Jubli Momalia, Adv.
Ms. Jyoti Mendiratta, Adv.

For Respondent (s)

State of Goa Mr. Arvind Datar, Sr. Adv.
Mr. Siddharth Bhatnagar, Adv.
Mr. Pawan Kumar Bansal, Adv.
Mr. T. Mahipal, Adv.

Union of India

M/o Env. & Forests Mr. Mohan Parasaran, SG.
Mr. Rakesh Kumar Khanna, ASG.
Mr. K. Radhakrishnan, Sr. Adv.
Mr. D.L. Chidananda, Adv.
Ms. Asha G. Nair, Adv.
Ms. Kiran Bhardwaj, Adv.
Ms. Seema Rao, Adv.
Mr. Ashwin Kumar D.S., Adv.
Mr. Anirudh Tanwar, Adv.
Ms. Gunwant Dara, Adv.
Ms. Sukhbeer Kaur Bajwa, Adv.
Mr. Shreekant N. Terdal, Adv.
Mr. D.S. Mahra, Adv.

Union of India

M/s Mines & Min. Mr. Mohan Parasaran, SG.
Mr. Ritin Rai, Adv.
Mr. D.L. Chidananda, Adv.
Mr. Shreekant N. Terdal, Adv.

RR 5 Mr. Shridhar Y. Chitale, Adv.
Mr. Abhijat P. Medh, Adv.

RR 6-Goa Min. Lab. Mr. Colin Gonsalves, Sr. Adv.
Welfare Union Ms. Jubli Momalia, Adv.
Ms. Jyoti Mendiratta, Adv.

For RR 7-Chowgule Mr. C.A. Sundaram, Sr. Adv.
& Co. Pvt. Ltd. Mr. Sumit Goel, Adv.
Ms. Sarab Jot Walia, Adv.
For M/s Parekh & Co., Adv.

For RR 8-HL Nathurmali

Mr. Amit Sharma, Adv.
Mr. Kunal A. Cheema, Adv.

For RR 9-Goa Min. Mr. K.K. Venugopal, Sr. Adv.
Assn. Soc. Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Adv.

For RR 10- M/s Mr. Mukul Rohtagi, Sr. Adv.
Sesa Goa Ltd. Mr. Ninad Laud, Adv.
Ms. Meenakshi Chatterjee, Adv.
Mr. Jayant Mohan, Adv.

For RR 11-Cosme Ms. Kiran Suri, Sr. Adv.
Cose Costa & Sons Mr. S.J. Amith, Adv.
Mr. Nakibur Rahman Barbhuiya, Adv.
Ms. Ritika Gambhir, Adv.
Dr. (Ms.) Vipin Gupta, Adv.

For RR 12- Socie. Ms. Anupama Dhurve, Adv.
Tim.Irmaos Lim. Mr. Abhishek Puri, Adv.

For Rr No. 13 Ms. Triveni Potekar, Adv.
Goa Barge Owners

Assn. Mr. Chandra Shekhar Ashri, Adv.

For RR 14 For M/s Mitter & Mitter Co., Advs.

For RR 15-27 Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Advs.

For RR 28 -M/s.
Bandeekar Bros Mr. C.A. Sundaram, Sr. Adv.
Pvt. Ltd. Mr. Parijat Sinha, Adv.
Ms. Reshmi Rea sinha, Adv.
Mr. Anil Kumar Mishra, Adv.
Mr. S.C. Ghosh, Adv.

For RR 30 - Mr. M. N. Krishnamani, Sr. Adv.
Dr. Prafulla Mr. Mr. Bhavani shankar Gadnis, Adv.
Hede Mines Mr. A. Venayagam Balan, Adv.

Mr. S.M. Walawaikar, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

For RR 31 & 32 Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Advs.

Mr. S.M. Walawaikar, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

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

Mr. A.D.N. Rao, learned Amicus Curiae resumed his arguments at 10:40a.m. and concluded at 12:35P.M. Thereafter Mr. Arvind Datar, learned Senior Counsel for the State of Goa addressed the Court and was on his legs when the Court rose for the day leaving the matters part-heard.

[KALYANI GUPTA]
COURT MASTER

[G. SUDHAKARA RAO]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER