

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

W.P(C) NO. 99 of 2013[FOR PRELIMINARY HEARING]
[M/S. H.L. NATHURMAL V. UNION OF INDIA AND ORS.]
(With application for ex parte stay and office report)

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.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.P.(C) No. 1441 of 2013
[DEEPAK M. GHARSE V. UNION OF INDIA & ORS.]
(With office report)

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.P.(C) No. 574 of 2013
[SOCIEDADE TIMBLO IRMAOS LOIMITADA & ANR. V. UNION OF INDIA & ORS.]
(With office report)

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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 ors.)

T.P.(C) No. 770 of 2013
[SOCIEDADE TIMBLO IRMAOS LIMITADA & ANR. V. UNION OF INDIA & ORS.]
(With application for ex-parte stay and ors.)

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 ors.)

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.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.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.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: 19/09/2013 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.

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

In WP 99 Mr. Amit Sharma, Adv.
Mr. Kunal A. Cheema, 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., Advs.

In TP 1441 Mr. Yashraj Singh Deora, Adv.

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

In TP 1186 Mr. Ranjit Kumar, Sr. Adv.
Mr. Nitin Sardesai, Adv.
Mr. Santosh Paul, Adv.
Mr. Arvind Gupta, Adv.
Mr. Piyush Sharma, 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 Nathurmal 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

Sesa Goa Ltd. Mr. Mukul Rohtagi, Sr. Adv.
Mr. Ninad Laud, Adv.
Ms. Meenakshi Chatterjee, Adv.
Mr. Jayant Mohan, Adv.

In IA 11, 12 & 60

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

In IA 13, 14 & 59

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.
Mr. Chandra Shekhar Ashri, Adv.

In IA 17 & 18

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.

In IA 19, 20 & 21

Salvia Oliver Mr. Shikhil Suri, Adv.
Rodrigues Mr. Shiv Kumar Suri, Adv.
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.
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 38 Mr. M.N. Krishnamani, Sr. Adv.
Dr. Prafulla R. Mr. Bhavani Shankar Gadnis, Adv.
Hede Mr. A. Venayagam Balan, Adv.

In IAs 39-40 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 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.

In IA 42
M/s Madachem Bat
Mines Pvt. Ltd. Mr. Parijat Sinha, Adv.

In IA 43 & 44
Village Panchayat of
Kirlapal-Dabal & Ors. Ms. Madhu Sikri, Adv.

In IA 45 Mr. K.K. Venugopal, Sr. Adv.
M/s Baddruddin Mr. Chander Uday Singh, Sr. Adv.
Hussainbhai Mavani 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. For M/s. KJ John & Co., Advs.

In IA 47-
Pandurang Timblo Mr. Ranjit Kumar, Sr. Adv.
Inds. & Anr. Mr. Nitin Sardesai, Adv.
 Mr. Santosh Paul, Adv.
 Mr. Arvind Gupta, Adv.
 Mr. Piyush Sharma, Adv.
 Mr. Harish Pandey, Adv.

In IA 48 & 49 Mr. Rohit M. Alex, Adv.
Rajesh P. Mr. P.S. Sudheer, Adv.
Timblo 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. For M/s. K.J. John & Co., Advs.

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

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

In IA 54
Gomantak Inv.
Pvt. Ltd. Mr. E.C. Agrawala, Adv.

In IA 55 & 56
Damodar Mangalji
& Co. Ltd. Mr. E.C. Agrawala, Adv.

In IA 57
Geetabala Manohar Mr. Dhruv Mehta, Sr. Adv.
Naik Parulekar Mr. Yash Raj Deora, Adv.
Ms. Jayashree Wad, Adv.

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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 For M/s K.J. John & Co., Advs.

In IA 61 & 62 Mr. Dhruv Mehta, Adv.
G.N. Agrawal Mr. Yashraj Singh Deora, 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 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.

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In IA 74
Crisna Mucunda
Camotim For M/s. K.J. John & Co., Advs.

In IA 75
Jaisinh Maganlal For M/s K.J. John & Co., Advs.

In IA....

(Filed on 17.09.2013)

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

For M/s. Parekh & Co., Advs.

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. Rakesh Kumar Khanna, ASG.
Mr. K. Radhakrishnan, Sr. Adv.
Ms. Asha G. Nair, Adv.
Ms. Kiran Bhardwaj, Adv.
Ms. Seema Rao, Adv.
Mr. Anirudh Tanwar, Adv.
Ms. Gunwant Dara, Adv.
Ms. Sukhbeer Kaur Bajwa, 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., Advs.

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., Advs.

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.

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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 Mr. A. Venayagam Balan, Adv.

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

IN TRANSFER PETITIONS

Considering the fact that the issues which arise in the writ petitions pending before the Bombay High Court in respect of which Transfer Petitions have been filed before this Court are substantially same as the issues in Writ Petition (C) No. 435 of 2012 filed in this Court, we direct that the writ petitions pending in the Bombay High Court shall stand transferred to this Court for hearing along with the aforesaid Writ Petition (C) No. 435 of 2012 pending before this Court.

The records of the writ petitions before the Bombay High Court be called for so as to reach this Court within a week from today.

These transfer petitions are accordingly allowed and the transferred cases be posted along with W.P.(C) No. 435 of 2012.

IN REST OF THE MATTERS

Mr. Annam D.N. Rao, learned amicus curiae resumed his submissions at 10.45 a.m. and was on his legs when the Court rose for the day leaving the matters part-heard.
For further hearing, list on 24th September, 2013.

[G. SUDHAKARA RAO]	[KALYANI GUPTA]	[M.S. NEGI]
COURT MASTER	COURT MASTER	COURT MASTER

(SIGNED ORDER IN TRANSFER PETITIONS IS PLACED ON THE FILE)
IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) No. 8 OF 2013

V.M.SALGAOCAR & BROTHER PVT. LTD.& ANR. ..PETITIONERS

Vs.

THE SHAH COMMISSION OF INQUIRY & ORS. ..RESPONDENTS

WITH

T.P.(C)No.230/2013

GOA MINING ASSOCIATION ..PETITIONER

Vs.

SHAH COMMISSION & ORS. ..RESPONDENTS

T.P.(C) No.1441/2013

DEEPAK M GHARSE ..PETITIONER

UNION OF INDIA & ORS. Vs.
..RESPONDENTS

T.P.(C) No.1186/2013

M/S PANDURANG TIMBLO INDUSTRIES & ORS. ..PETITIONERS
Vs.
THE SHAH COMMISSION OF INQUIRY AND ORS. ..RESPONDENTS

T.P.(C) No.574/2013

SOCIEDADE TIMBLO IRMAOS LIMITADA & ANR. ..PETITIONERS
Vs.
UNION OF INDIA & ORS. ..RESPONDENTS

T.P.(C) No.766/2013

ANA BERTA DO REGO E FERNANDES & ANR. ..PETITIONERS
Vs.
UNION OF INDIA & ORS. ..RESPONDENTS

T.P.(C) No.770/2013

SOCIEDADE TIMBLO IRMAOS LIMITADA & ANR. ..PETITIONERS
Vs.
UNION OF INDIA & ORS. ..RESPONDENTS

T.P.(C) No.776/2013

SHRI ALEIXO MANUEL C.P. DA COSTA ..PETITIONER
Vs.
UNION OF INDIA & ORS. ..RESPONDENTS

T.P.(C) No.836/2013

KUNDA RAGHUVIR GHARSE ..PETITIONER
Vs.
UNION OF INDIA & ORS. ..RESPONDENTS

T.P.(C) No.864/2013

NOOR MOHD. ABDUL KARIM & ANR. ..PETITIONERS
Vs.
UNION OF INDIA & ORS. ..RESPONDENTS

T.P.(C) No.866/2013

KAMALINI RAMAKANT PAIGUINKAR & ORS. ..PETITIONERS
Vs.
UNION OF INDIA & ORS. ..RESPONDENTS

T.P.(C) No.869/2013

M/S BADDRUDIN HASSAINBHAI MAVANI ..PETITIONER
Vs.
UNION OF INDIA & ORS. ..RESPONDENTS

ORDER

Considering the fact that the issues which arise in the writ petitions pending before the Bombay High Court in respect of which Transfer Petitions have been filed before this Court are substantially same as the issues in Writ Petition (C) No. 435 of 2012 filed in this Court, we direct that the writ petitions pending in the Bombay High Court shall stand transferred to this Court for hearing along with the aforesaid Writ Petition (C) No. 435 of 2012 pending before this Court.
The records of the writ petitions before the Bombay High Court

be called for so as to reach this Court within a week from today.

These transfer petitions are accordingly allowed and the transferred cases be posted along with W.P.(C) No. 435 of 2012.

.....J.
(A.K. PATNAIK)

.....J.
(SURINDER SINGH NIJJAR)

.....J.
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

NEW DELHI,
SEPTEMBER 19, 2013