

ITEM NO.1

COURT NO.4

SECTION PIL-W

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

Writ Petition(s) (Civil) No(s) .435/2012

GOA FOUNDATION

Petitioner(s)

VERSUS

UNION OF INDIA . & ORS.

Respondent(s)

(FOR CONSIDERATION OF REPORTS OF EXPERT COMMITTEE, MONITORING
COMMITTEE AND CEC)
WITH I.A. NOS. 87, 88, 90, 107, 115, 106518
(I.As for Directions)

Date : 26-10-2017 These Reports and Applications were called on for
hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Harish N. Salve, Sr. Adv. (A.C.) (NP)

Ms. Aparajita Singh, Adv. (A.C.) (NP)

Mr. A.D.N. Rao, Adv. (A.C.)

Mr. Siddhartha Chowdhury, Adv. (A.C.) (NP)

For Petitioner(s) Mr. Prashant Bhushan, Adv.
Mr. Pranav Sachdeva, Adv.
Ms. Neha Rathi, Adv.

For Respondent(s) Mr. A. N.S. Nadkarni, ASG
Mr. Datta Prasad Lawande, Adv.Gen. for Goa
Mr. Merusagar Samantaray, Adv.
Mr. Salvador Santosh Rebello, Adv.
Ms. Viddusshi, Adv.
Ms. Lhinghneivah, Adv.
Ms. Sneha Prabhu Tendulkar, Adv.
Mr. Abhishek Bhardwaj, Adv.

Mr. T. Mahipal, AOR

Mr. A.N.S. Nadkarni, ASG
Ms. Arunima Dwivedi, Adv.
Ms. Kiran Bhardwaj, Adv.
Mr. G.S. Makker, AOR

Mr. S.N. Terdal , AOR
Mr. M.K. Maroria, AOR

- I.A.87 Mr. Huzefa Ahmadi, Sr. Adv.
 Mr. Ninad Laud, Adv.
 Mr. Sahil Tagotra, Adv.
 Mr. Jayant Mohan, AOR
 Mr. Karan Mathur, Adv.
 Mr. Anjuman Tripathi, Adv.
- I.A. 88 Mr. Neeraj Kishan Kaul, Sr. Adv.
 Mr. Yashraj Singh Deora, AOR
 Mr. Parag S. Rao, Adv.
 Ms. Swati Kamat, Adv.
 Mr. Samar Kachwaha, Adv.
 Mr. Bommineni Vivekananda, Adv.
 Mr. divyanshu Kr. Srivastava, Adv.
- I.A. 90 Mr. Darius Khambata, Sr. Adv.
 Mr. Yashraj Singh Deora, AOR
 Mr. Parag Rao, Adv.
 Ms. Swati Kamat, Adv.
 Ms. Ragya V. Singh, Adv.
- IA 107 Mr. Kailash Vasudev, Sr. Adv.
 Mr. Bhavanishankar V. Gadnis, Adv.
 Mr. Vishwanath Gadnis, Adv.
 Mr. A. Venayagam Balan, AOR
- IA 115 Ms. Anitha Shenoy, AOR
 Ms. Rashmi Nanda Kumar, Adv.
 Ms. Sristi Agnihotri, Adv.
- Mr. Abhijat P. Medh, AOR
- Mr. Pratap Venugopal, Adv.
 Ms. Surekha Raman, Adv.
 Mr. Anuj Sarma, Adv.
 Ms. Niharika, Adv.
 For M/s K.J. John & Co.

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

I.A. No.87

This is an application filed by Sesa Goa Ltd. (Now Known as Vedanta Ltd.). It is prayed that after the amendment of the MMDR Act in 2015 the applicant is not

required to make any payments to the Goa Iron Ore Permanent Fund (GIOPF)

In view of the decision of this Court in Goa Foundation Vs. Union of India and Others [(2014) 6 SCC 590], particularly paragraphs 78 to 79, it is submitted by learned counsel for the petitioner that the payments required to be made to GIOPF are only on the sales of iron ore. Since the applicant (Vedanta) is not selling the extracted iron ore and is consuming it in its own factory or it is lying in the leased premises without being sold, no payment is required to be made to GIOPF.

According to learned Additional Solicitor General, the stand taken by the applicant is not a correct interpretation of the decision of this Court and on 24th October, 2017, show cause notices have been issued to the applicant seeking to recover substantial amounts due and payable by the applicant to GIOPF.

Learned counsel for the applicant says that he will file his reply to the show cause notices within prescribed time, i.e., within 14 days.

We expect the State of Goa to adjudicate on the show cause notices at the earliest.

List this application on 29th November, 2017

I.A. No.88

This is an application filed by Geetabala Manohar Naik Parulekar.

It is prayed in the application that the applicant is

not obliged to make any payment to Goa Iron Ore Permanent Fund.

Learned counsel for the petitioner seeks some time to see the affidavit filed by the applicant.

List for arguments on 29th November, 2017.

I.A. No.90

This is an application filed by G.N. Agarwal.

It is prayed in the application that the applicant is not obliged to make any payment to Goa Iron Ore Permanent Fund.

Learned counsel for the petitioner seeks some time to see the affidavit filed by the applicant.

List for arguments on 29th November, 2017.

I.A. No.107

This is an application filed by Dr. Prafulla R. Hede.

The prayer in the application is to direct that the mining lessees of iron ore in the State of Goa would be governed only by the provisions of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 for the purpose of contribution and creation of Goa Iron Ore Permanent Fund.

Learned counsel for the applicant says that he will file an affidavit during the course of the day.

List the application for arguments on 29th November, 2017.

I.A. No.115

This is an application filed by Mr. Ravindra Vilep, Panchayat Member of Village Panchayat, Caurem Pirla, Quepem, Goa. The prayers in the application are (i) to initiate action against the Director, Directorate of Mines and Geology, State of Goa for violation of the order dated 11.11.2013 passed by this Court; (ii) to direct the Monitoring Committee appointed by this Court vide order dated 11.11.2013 to verify the existing excavated mineral ore lying with each of the leaseholders and submit a report containing the details of the said inventory before this Court and (iii) to pass an order staying the e-auction and transportation of mined ore till the inventorization is concluded.

On the request of learned counsel for the applicant, list the application after two weeks.

I.A. No.106518

This is an application filed by the petitioner (Goa Foundation). The prayer in the application is to seek direction to reduce the cap on mining in the State of Goa from 20 MTPA to 12 MTPA.

Issue notice.

Reply be filed within two weeks.

List the application along with Monitoring Committee Report dated 10th October, 2014, Expert Committee Reports dated 14th October, 2014 and 12th April, 2015 and CEC

Reports dated 19th September, 2016 and 29th September, 2016
on 29th November, 2017.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER