

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 and 115
(I.As for Directions)

Date : 20-09-2017 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. (NP)
Mr. Pranav Sachdeva, Adv.
Ms. Neha Rathi, Adv.

For Respondent(s) Mr. A. N.S. Nadkarni, ASG
Mr. Salvador Santosh Rebello, Adv.
Ms. Sneha Prabhu Tendulkar, Adv.
Ms. Nivedita Nair, 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

Ms. Rashmi Nanda Kumar, Adv.

Ms. Anitha Shenoy, AOR

Mr. Neeraj Kishan Kaul, Sr. Adv.

Mr. Yashraj Singh Deora, AOR

Ms. Swati Kamat, Adv.

Ms. Ragya V. Singh, Adv.

Mr. Darius Khambata, Sr. Adv.

Mr. Yashraj Singh Deora, AOR

Mr. Parag Rao, Adv.

Ms. Swati Kamat, Adv.

Ms. Ragya V. Singh, Adv.

Mr. Abhijat P. Medh, AOR

Mr. Ninad Laud, Adv.

Mr. Jayant Mohan, AOR

Mr. Karan Mathur, Adv.

Mr. Kailash Vasudev, Sr. Adv.

Mr. Bhavanishankar V. Gadnis, Adv.

Mr. Vishwanath Gadnis, Adv.

Mr. A. Venayagam Balan, 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

A counter affidavit has been on behalf of Respondent No.2 (State of Goa).

It is stated in the affidavit that out of a total quantum of 16.72 million tons of ore, 11.47 million tons has been sold and 5.25 million tons remained unsold. Out of the sold mineral, 1.7 million tons remains to be lifted. It is further stated that there was a shortage of 0.12 million tons when the ore was lifted from some lots while at the same time 0.12 million tons of excess quantity was found in some other lots which was more than

the declared quantity. In any event, it is submitted that the total quantity remained 16.72 million tons.

It is further stated that the sale value realized so far is Rs.1075.71 crores. Some demands/adjustments are required to be made against this amount towards the cost of extraction, payment to the Murmogao Port Trust, storage charges, etc. There is a balance amount of Rs.777.95 crores out of which Rs.77.8 crores are to be kept aside for appropriation towards the Goa Iron Ore Permanent Fund.

Learned *amicus curiae* submits that the figures, according to him, do not seem to match and they would need some reconciliation. He says that the CEC will file a report within four weeks.

With regard to the balance quantity of 5.25 million tons of iron ore, it is submitted by learned Additional Solicitor General that bids have been called on more than one occasion, but there has been no response perhaps due to the falling international market for low grade ore. He says that efforts are being made to ensure that even this 5.25 million tons is auctioned at the earliest.

Final Report of the Expert Committee dated 12.04.2015

Learned Additional Solicitor General says that the Union of India would like to file an affidavit with regard to capping the extraction of iron ore at 20 million tons per annum. He says that he would file the response within four weeks.

I.A. Nos. 87, 88, 90 and 107

It is not clear from the applications whether payments have been made by the applicants to the Goa Iron Ore Permanent Fund as well as to the District Mineral Foundation.

In this regard, the affidavits may be filed positively within three weeks giving the factual position with all details.

I.A. No.115

This application is filed by the Panchayat Member of Village Panchayat, CauremPirla, Quepem, Goa alleging that the excavated iron ore is being illegally transported without proper weighment, etc.

A counter affidavit has been filed by Respondent No.2 (State of Goa) on 18th September, 2017.

Learned counsel for the applicant seeks some time to file a rejoinder affidavit. She may do so within three weeks.

Learned counsel appearing on behalf of Goa Foundation says that he supports the application and would like to file a brief supporting affidavit within three weeks.

List the matter along with all reports (five) and I.A. Nos. 87, 88, 90, 107 and 115 on 26th October, 2017.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER