

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 and 107

(I.As for Directions)

Date : 14-08-2017 These applications and Reports were called on for hearing today.

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

For Petitioner(s) Mr. Harish N. Salve, Sr. Adv. (A.C.)
Ms. Aparajita Singh, Adv. (A.C.)
Mr. A.D.N. Rao, Adv. (A.C.)
Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Respondent(s) Mr. Prashant Bhushan, Adv.
Mr. Pranav Sachdeva, Adv.
Ms. Neha Rathi, Adv.
Mr. Abhijat P. Medh, Adv.
Mr. S.N. Terdal , Adv.
Mr. Atmaram N.S. Nadkarni, ASG
Mr. Salvador Santosh Rebello, Adv.
Ms. Sneha Prabhu Tendulkar, Adv.
Ms. Nivedita Nair, Adv.
Mr. A. Gosavi, Adv.
Mr. T. Mahipal, Adv.
Mr. P.S. Narsimha, ASG
Mr. Rana Mukherji, Sr. Adv.
Ms. Kiran Bharadwaj, Adv.

Mr. M.K. Maroria, Adv.
Ms. Arunima Dwivedi, Adv.
Mr.

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Ninad Laud, Adv.
Mr. Jayant Mohan, Adv.
Mr. Karan Mathur, Adv.
Mr. Anjuman Tripathy, Adv.

Mr. Neeraj Kishan Kaul, ASG
Mr. Yashraj Singh Deora, Adv.
Mr. Parag Rao, Adv.
Ms. Swati Kamat, Adv.

Mr. Kailash Vasudev, Sr. Adv.
Mr. Bhavanishankar V. Gadnis, Adv.
Mr. Vishwanath Gadnis, Adv.
Mr. A. Venayagam Balan, Adv.
Dr. Prafulla, Adv.

Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Anuj Sarma, Adv.
Ms. Niharika, Adv.
Mr. Aman Shukla, Adv.
Ms. Kanika Kalaiyarasan, Adv.
For M/s K.J. John & Co.

Mr. Shuvodeep Ray, Adv.
Mr. Sayooj Mohandas, Adv.

UPON hearing the counsel the Court made the following

O R D E R

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

It is stated by learned counsel for the parties that there are two issues that require to be decided. The first issue is whether the mining lessees are obliged to pay an amount to the Goa Iron Ore Permanent Trust Fund as well as to the District Mineral Foundation (DMF) under the Mines and Minerals (Development and Regulation) Act, 1957 as amended in 2015.

It is submitted by learned counsel for the Goa Foundation that

this issue is no longer *res integra* and it has been decided in the case pertaining to mining in Karnataka.

Learned counsel for the mining lessees says that the issues raised in that case are somewhat different from the issues raised in the present case.

Under these circumstances, the applications (I.A. Nos. 87, 88, 90 and 107) will have to be heard.

The second issue is with regard to the cap on the extraction of iron ore. According to the mining lessees, the cap should be placed at 30 million tonnes per annum.

This will also need to be adjudicated.

Report of the Monitoring Committee dated 10th October, 2014

The Report of the Monitoring Committee is to the effect that the total inventorized quantity of iron ore is about 16.587500 million tons . Out of that, a total of 4.132149 million tons of iron ore has been e-auctioned through four e-auctions by the State Government. Against these e-auctions, sale proceeds of about Rs.558,20,44,288/- has been received by the State and balance amount of Rs.22 crores is yet to be received. Thus, the total sale proceeds of all four e-auctions comes to about Rs.580 crores.

We would like to have an update from the State Government with regard to any further auctions that may have been conducted, the amounts received and the utilization of the amounts.

Affidavit in this regard be filed within four weeks positively.

It is stated by learned counsel for the parties that the

Report of the Monitoring Committee dated 10th October, 2014 has not been received by them. The Registry will make copies of the Report. Learned counsel for the parties may pick it up from the Registry.

Report of the Expert Committee dated 14.10.2014

The Report of the Expert Committee dated 14.10.2014 deals with the treatment of mining dumps. Several recommendations have been made by the Expert Committee. This Report needs due consideration. Copies of this Report may be prepared by the Registry and learned counsel for the parties may pick it up from the Registry.

Final Report of the Expert Committee dated 12.04.2015

The Final Report dated 12.04.2015 of the Expert Committee deals with the ceiling or cap on excavation of iron ore. It is stated that this Report is available with all the learned counsel. This Report relates to the second issue mentioned above and it needs consideration.

Reports of the CEC dated 19.09.2016 and 29.09.2016

These Reports relate to the first issue mentioned above, that is, payments to the Goa Iron Ore Permanent Trust Fund. Copies of these Reports may be made by the Registry and learned counsel appearing for the parties may collect them from the Registry. These Reports also need consideration.

List the matters on 20.09.2017. The above five Reports will

also be taken up for consideration on the same date. Any response to any of the above Reports may be filed within three weeks.

The CEC will place all the above Reports on its website at the earliest.

(MEENAKSHI KOHLI)
COURT MASTER

(SHARDA KAPOOR)
ASSISTANT REGISTRAR