

ITEM NO.1

COURT NO.7

SECTION PIL(W)

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

I N D I A

Writ Petition(Civil) No. 435/2012

GOA FOUNDATION

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With application for directions and office report)

Date : 14/08/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE UDAY UMESH LALIT

AMICUS CURIAE

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

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

Mr. Siddharth Chowdhury, Adv.(A.C.)

For Petitioner (S)

Mr. Prashant Bhushan, A.O.R.

Mr. Pranav Sachdeva, Adv.

Ms. Neha Rathi, Adv.

For Applicant (s)

Goa Foundation

Mr. Prashant Bhushan, A.O.R.

Mr. Pranav Sachdeva, Adv.

Ms. Neha Rathi, Adv.

Goa Mining Labour
Welfare Union

Ms. Jyoti Mendiratta, A.O.R.

Goa Mining Assn.

Mr. Pratap Venugopal, Adv.

Ms. Surekha Raman, Adv.

Signature Not Verified

Ms. Niharika, Adv.

Digitally signed by

Kalyani Gupta

Date: 2015.08.20

17:53:07 IST

Reason:

Mr. Gaurav Nair, Adv.

Mr. Purushottam K. Jha, Adv.

For M/s. KJ John & Co., Advs.

Sesa Goa Ltd.

Mr. Kapil Sibal, Sr. Adv.

Mr. Huzefa Ahmadi, Sr. Adv.

Mr. Ninad Laud, Adv.

Mr. Abhijit Gosavi, Adv.

Mr. Jayant Mohan, A.O.R.

Mr. Karan Mathur, Adv.

Cose Costa & Sons	Dr. (Ms.) Vipin Gupta, Adv.
Sociedade Timblo Irmaos Limitada	Mr. Rafique Dada, Sr. Adv. Mr. Yashraj Singh Deora, Adv. Mr. Parag Rao, Adv. Ms. Swati Kamat, Adv. Mr. Abhijeet Rastogi, Adv.
Garge Barge Owners' Assn.	Ms. Triveni Poteker, Adv. Mr. Chandra Shekhar Ashri, Adv.
Aleixo Manual C.P. Costa	Mr. Pratap Venugopal, Adv. Ms. Surekha Raman, Adv. Ms. Niharika, Adv. Mr. Gaurav Nair, Adv. Mr. Purushottam K. Jha, Adv. For M/s. KJ John & Co., Advs.
Salvia Oliver Rodrigues	Mr. Shiv Kumar Suri, A.O.R. Mr. Shikhil Suri, Adv. Ms. Smriti Dua, Adv. Mr. Satendra K. Rai, Adv.
Sudip N. Tamankar	Mr. Shiv Kumar Suri, Adv. Mr. Chandrika Prasad Mishra, Adv. Mr. Shikhil Suri, Adv. For Mr. P.V. Yogeswaran, Adv.
Ramcanta Visnum, Sociedade Sir Maha Laxmi, Shaikh Abdul Kuddus Com. Mineraria Pro. Ltda. Bhanudas, Emco, Shashikala, Atchuta Visnum, Rajaram Bandekar Mines, Smt. Shakuntala bai & Orient Goa	Mr. Pratap Venugopal, Adv. Ms. Surekha Raman, Adv. Ms. Niharika, Adv. Mr. Gaurav Nair, Adv. Mr. Purushottam K. Jha, Adv. For M/s.KJ John & Co., Advs.
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Dr. Prafulla R. Hede Mines	Mr. Bhavani Shankar Gadnis, Adv. Mr. A. Venayagam Balan, Adv.
Motiram Data Goundalkar Ghanshyam Sardesai	Mr. Pratap Venugopal, Adv. Ms. Surekha Raman, Adv. Ms. Niharika, Adv. Mr. Gaurav Nair, Adv. Mr. Purushottam K. Jha, Adv. For M/s. K.J. John & Co., Advs.
M/s. Bandekar Bros Pvt. Ltd.	Mr. Parijat Sinha, Adv. Ms. Reshmi Rea sinha, Adv.
M/s Madachem Bat Mines Pvt. Ltd.	Mr. Parijat Sinha, Adv. Ms. Reshmi Rea Sinha, Adv.
Village Panchayat of	

Kirlapal-Dabal & Ors.

Ms. Madhu Sikri, Adv.

M/s Baddruddin
Hussainbhai Mavani

Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Meenakshi Chauhan, Adv.
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Kamalini Ramakant
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Ms. Meenakshi Chauhan, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Advs.

Pandurang Timblo
Inds. & Anr.

Mr. Arvind Gupta, Adv.
Mr. Depopriya Pal, Adv.
Mr. Harish Pandey, Adv.
Mr. Santosh Paul, Adv.

Rajesh P.
Timbloo

Mr. Rohit M. Alex, Adv.
Mr. P.S. Sudheer, Adv.
Mr. Rishi Maheshwari, Adv.
Mr. Gaurav Jain, Adv.
Mr. Ramavtar Sharma, Adv.

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M/s Sarda Energy
& Minerals Ltd.

Mr. Shivam Sharma, Adv.
Mr. Mohan Pandey, A.O.R.
Mr. V.S. Pandey, Adv.

M/s Noor Mohd.
Abdul Karim & Anr.

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Ramesh Sajo
Gauns & Ors.

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Mr. Chandrika Prasad Mishra, Adv.
Mr. Shikhil Suri, Adv.

Girish M.
Tendulkar & Ors.

Ms. Sudha Gupta, A.O.r.

Gomantak Inv.
Pvt. Ltd.

Mr. Ninad Laud, Adv.
Mr. E.C. Agrawala, A.O.R.

Damodar Mangalji
& Co. Ltd.

Mr. Ninad Laud, Adv.
Mr. E.C. Agrawala, A.O.R.

Geetabala Manohar
Naik Parulekar

For M/s J.S. Wad & Co., Advs.

Ana Berta Do
Rego E. Fernandes

Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Niharika, Adv.
Mr. Gaurav Nair, Adv.
Mr. Purushottam K. Jha, Adv.
For M/s K.J. John & Co., Advs.

G.N. Agrawal Mr. M.P. Jha, Adv.

Chowgule & Co.
Pvt. Ltd. For M/s Parekh & Co., Adv.

Hardesh Ores
Pvt. Ltd. Mr. Mohit Abraham, Adv.

Goa Mining
Foundation Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Niharika, Adv.

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Mr. Purushottam K. Jha, Adv.
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Ms. Niharika, Adv.
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Mr. Purushottam K. Jha, Adv.
For M/s K.J. John & Co., Adv.

Shantilal Kushaldas
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For Respondent (s)
State of Goa Mr. A.N.S. Nadkarni, AG
Mr. Siddharth Bhatnagar, Adv.
Mr. Dattaprasad Lawande, Adv.
Mr. Salvador S. Rebello, Adv.
Mr. Anshuman Srivastava, Adv.
Mr. Amogh Prabhudesai, Adv.
Mr. Siddharth Mohan, Adv.
Mr. T. Mahipal, Adv.

Union of India
M/o Env. & Forests Ms. Kiran Bhardwaj, Adv.
Mr. Ajay Sharma, Adv.
Mr. Shreekant N. Terdal, A.O.R.(NP)
Mr. D.S. Mahra, A.O.R.(NP)

Union of India
M/s Mines & Min. Ms. Kiran Bhardwaj, Adv.
Mr. Ajay sharma, Adv.
Mr. Shreekant N. Terdal, Adv.(NP)

RR 5 Mr. Abhijat P. Medh, A.O.R.

RR 6-Goa Min. Lab.
Welfare Union Ms. Jyoti Mendiratta, A.O.R.

For RR 7-Chowgule
& Co.Pvt. Ltd.
For M/s Parekh & Co., A.O.R.

For RR 8-HL Nathurmal
Mr. Amit Sharma, A.O.R.

For RR 9-Goa Min.
Assn. Soc.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Niharika, Adv.
Mr. Gaurav Nair, Adv.
Mr. Purushottam K. Jha, Adv.
For M/s. KJ John & Co., Adv.

For RR 10- M/s
Sesa Goa Ltd.
Mr. Kapil Sibbal, Sr. Adv.
Mr. Huzefa Ahmadi, Sr. Adv.
Mr. Ninad Laud, Adv.
Mr. Jayant Mohan, A.O.R.
Mr. Abhijit Gosavi, Adv.
Mr. Karan Mathur, Adv.

For RR 11-Cosme
Cose Costa & Sons Dr. (Ms.) Vipin Gupta, A.O.R.

For RR 12- Socie.
Tim.Irmaos Lim. Mr. Abhishek Puri, A.O.R.

For Rr No. 13
Goa Barge Owners
Assn. Ms. Triveni Potekar, Adv.
Mr. Chandra Shekhar Ashri, A.O.R.

For RR 14 Mr. Yash Raj Singh Deora, Adv.
For M/s Mitter & Mitter Co., Adv.

For RR 15-27 Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Niharika, Adv.
Mr. Gaurav Nair, Adv.
Mr. Purushottam K. Jha, Adv.
For M/s. KJ John & Co., Adv.

For RR 28 -M/s.

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Bandekar Bros
Pvt. Ltd. Mr. Parijat Sinha, A.O.R.
Ms. Reshmi Rea Sinha, Adv.

For RR 30 -
Dr. Prafulla
Hede Mines Mr. Mr. Bhavani Shankar Gadnis, Adv.
Mr. A. Venayagam Balan, A.O.R.

Mr. Rameshwar Prasad Goyal, A.O.R.(NP)

For RR 31 & 32 Mr. Pratap Venugopal, Adv.

Ms. Surekha Raman, Adv.
Ms. Niharika, Adv.
Mr. Gaurav Nair, Adv.
Mr. Purushottam K. Jha, Adv.
For M/s. KJ John & Co., Advs.

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

IA No. 85

Application is dismissed.

IA No. 87

Issue notice.

Learned Advocate General for the State of Goa,
Mr. A.D.N. Rao, learned counsel for the Central
Empowered Committee and Mr. Prashant Bhushan,
learned counsel for the petitioner accept and waive
formal notice.

Copy of the Report be furnished to the learned
Advocate General, and counsel for the Central
Empowered Committee, Petitioner and the Union of
India.

They may also with the reply to the application

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file their response to the Report of the Monitoring
Committee as well as that of the Expert Committee.

The Report stated to have been filed by the
State of Goa on 21st April, 2015 as reported by the
learned Advocate General of Goa be taken on record
if not already filed, directed to file forthwith.

Office Report also states that one of the
members of the Expert Committee who was Former
Principal Chief Conservator of Forests has
forwarded a letter dated 5th January, 2015 stating
that members fo the Expert Committee were not paid
any monthly honorarium for more than a year as

directed in our judgment dated 21st April, 2014.

Learned Advocate General for the State of Goa, however, stated that the payment in respect of other members was duly made and in so far as Mr. S. Parmeswarappa was concerned there was some dispute as to at what rate his last drawn pay is to be worked out. The State was awaiting further orders of this Court. In our order dated 11th November, 2013 in paragrap 13 we directed that the Members of the Expert Committee who were not in service on the date of the order would be entitled for last pay drawn along with daily allowance at the rate

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applicable to the Secretary, Government of India apart from travel expenses as per actuals. We, therefore, direct that since S. Parmeswarappa was stated to have been holding office on par with the Joint Secretary of India as on the date of our order, his last drawn pay shall be worked out and paid to him as was payable to that of Joint Secretary or the last pay actually drawn by him whichever is higher along with other allowance as directed in our order dated 11th November, 2013.

The Central Empowered Committee, State of Goa, Ministry of Environment and Forests and the Union of India are also directed to file their affidavit as to how the direction contained in paragraphs 87 and 88 of our judgment dated 21st April, 2014 has been implemented/complied with. Such affidavits as well as response to the Report of the Expert Committee shall be filed by the parties within four weeks. Reply to the IA No. 87 shall also be filed within the said date.

List the applications thereafter.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER

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