

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)

(Office report for directions along with letters received from members of Expert Committee I.e. S. Parmeswarappa IFS (Retd.), Dr. S.C.Dhiman, Former Chairman, Central Ground Water Board and Prof. C.R. Babu)

Date: 17/02/2014 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)
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Mr. Siddharth Chowdhury, Adv.
Mr. M.K. Jiwrajika, Member Secretary
Central Empowered Committee

For Petitioner (S) Mr. Prashant Bhushan, Adv.
Mr. Pranav Sachdeva, Adv.

For Applicant (s)
In IA 1, 35 & 76
Goa Foundation Mr. Prashant Bhushan, Adv.
Mr. Pranav Sachdeva, Adv.

In IA 3
Goa Mining Labour
Welfare Union Ms. Jubli Momalia, Adv.
Ms. Jyoti Mendiratta, Adv.

In IA 5 & 6
M/s HL Nathurmali Mr. Amit Sharma, Adv.
Mr. Kunal A. Cheema, Adv.

In IA 7 & 8
Goa Mining Assn. Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Advs.

In IA 10 & 72 Mr. Mukul Rohtagi, Sr. Adv.
Sesa Goa Ltd. Mr. Ninad Laud, Adv.
Mr. Abhijit Gosavi, Adv.

Mr. Jayant Mohan, Adv.

In IA 11, 12 & 60
Cose Costa & Sons Ms. Kiran Suri, Sr. Adv.
Mr. S.J. Amith, 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.
Mr. Linette Rodrigues, Adv.
For M/s. K.J. John & Co., Advs.

In IA 15 & 16 Ms. Triveni Poteker, Adv.
Garge Barge Owners' Mr. Chandra Shekhar Ashri, Adv.
Assn.

In IA 17 & 18
Aleixo Manual
C.P. Costa Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Gaurav Nair, Adv.

In IA 19, 20 & 21 Mr. Shikhil Suri, Adv.
Salvia Oliver Mr. Shiv Kumar Suri, Adv.
Rodrigues 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
Ramcanta Visnum,
Sociedade Sir Maha Mr. Pratap Venugopal, Adv.
Laxmi, Shaikh Ms. Surekha Raman, Adv.
Abdul Kuddus Ms. Meenakshi Chauhan, Adv.
Com. Mineraria Pro. Mr. Gaurav Nair, Adv.
Ltda. Bhanudas,
Emco, Shashikala,
Atchuta Visnum,
Rajaram Bandekar
Mines, Smt. Shakuntala
bai & Orient Goa

In IA 38
Dr. Prafulla R. Mr. Bhavani Shankar Gadnis, Adv.
Hede Mines Mr. A. Venayagam Balan, Adv.

In IAs 39-40
Motiram Data
Goundalkar Mr. Pratap Venugopal, Adv.
Ghanshyam Ms. Surekha Raman, Adv.
Sardesai Ms. Meenakshi Chauhan, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 41, 71 & 72
M/s. Bandekar Bros
Pvt. Ltd. Mr. Parijat Sinha, Adv.
Ms. Reshmi Rea sinha, Adv.

In IA 42

M/s Madachem Bat
Mines Pvt. Ltd. Mr. Parijat Sinha, Adv.
Ms. Reshmi Rea Sinha, Adv.

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

In IA 45
M/s Baddruddin
Hussainbhai Mavani Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Advs.

In IA 46
Kamalini Ramakant
Painguinkar & Ors. Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Advs.

In IA 47
Pandurang Timblo
Inds. & Anr. Mr. Santosh Paul, Adv.
Mr. Arvind Gupta, Adv.
Mr. Depopriya Pal, 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.
Mr. Raj Kumar Kaushik, Adv.

In IA 50
M/s Sarda Energy
& Minerals Ltd. Mr. Mohan Pandey, Adv.

In IA 51
M/s Noor Mohd.
Abdul Karim & Anr. Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

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

In IA 53
Girish M.
Tendulkar & Ors. Mr. Ishaan Gource, Adv.
Mr. Sriram, Adv.
Ms. Sudha Gupta, Adv.

In IA 54
Gomantak Inv. Pvt. Ltd. Mr. Ninad Laud, Adv.
Ms. Aparna Singhal, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. E.C. Agrawala, Adv.

In IA 55 & 56 Mr. Ninad Laud, Adv.
Damodar Mangalji
& Co. Ltd. Ms. Aparna Singhal, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. E.C. Agrawala, Adv.

In IA 57
Geetabala Manohar Mr. Dhruv Mehta, Sr. Adv.
Naik Parulekar Ms. Jayashree Wad, Adv.
Mr. Ashish Wad, Adv.
For M/s J.S. Wad & Co., Advs.

In IA 58
Ana Berta Do
Rego E. Fernandes Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Gaurav Nair, Adv.
For M/s K.J. John & Co., Advs.

In IA 61 & 62
G.N. Agrawal Mr. M.P. Jha, Adv.

In IA 63, 64 & 65
Chowgule & Co. Mr. Sumit Goel, Adv.
Pvt. Ltd. Ms. Sarab Jot Walia, Adv.
For M/s Parekh & Co., Advs.

In IA 66 & 67
Hardesh Ores Mr. Rajesh Kumar, Adv.
Pvt. Ltd. Mr. Mohit Abraham, Adv.
In IA 68
Goa Mining
Foundation Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 69 & 70
Timblo Enterprises Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 74
Crisna Mucunda
Camotim Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 75
Jaisinh Maganlal Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Gaurav Nair, Adv.
For M/s K.J. John & Co., Advs.

In IA 78
Shantilal Kushaldas Ms. Kiran Suri, Sr. Adv.
& Bros P. Ltd. Dr. (Ms.) Vipin Gupta, Adv.
Mr. S.J. Amith, Adv.

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Mr. Dattaprasad Lawande, Adv.
Mr. Salvador S. Rebello, Adv.
Mr. Pawan Kumar Bansal, Adv.
Mr. T. Mahipal, Adv.

Union of India
M/o Env. & Forests Mr. Mohan Parasaran, SG.
Mr. Rakesh Kumar Khanna, ASG.

Mr. K. Radhakrishnan, Sr. Adv.
Mr. D.L. Chidananda, Adv.
Ms. Asha G. Nair, Adv.
Ms. Kiran Bhardwaj, Adv.
Ms. Seema Rao, Adv.
Mr. Shadman Ali, Adv.
Ms. Tara Narula, Adv.
Mr. Ashwin Kumar D.S., Adv.
Mr. Anirudh Tanwar, Adv.
Ms. Gunwant Dara, Adv.
Ms. Sukhbeer Kaur Bajwa, Adv.
Mr. Shreekant N. Terdal, 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.
Welfare Union

Ms. Jubli Momalia, Adv.
Ms. Jyoti Mendiratta, Adv.

For RR 7-Chowgule
& Co. Pvt. Ltd.

Mr. Sumit Goel, Adv.
Ms. Sarab Jot Walia, Adv.
For M/s Parekh & Co., Adv.

For RR 8-HL Nathurmal

Mr. Amit Sharma, Adv.
Mr. Kunal A. Cheema, Adv.

For RR 9-Goa Min.
Assn. Soc.

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

For RR 10- M/s

Sesa Goa Ltd. Mr. Ninad Laud, Adv.

Mr. Jayant Mohan, Adv.

For RR 11-Cosme

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.
Tim.Irmaos Lim.

Ms. Anupama Dhurve, Adv.
Mr. Abhishek Puri, Adv.

For Rr No. 13
Goa Barge Owners
Assn.

Ms. Triveni Potekar, Adv.
Mr. Chandra Shekhar Ashri, Adv.

For RR 14

Mr. Dhruv Mehta, Sr. Adv.
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. Meenakshi Chauhan, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Adv.

For RR 28 -M/s.
Bandeekar Bros
Pvt. Ltd.

Mr. Parijat Sinha, Adv.
Ms. Reshmi Rea sinha, Adv.

For RR 30 -
Dr. Prafulla
Hede Mines

Mr. Mr. Bhavani Shankar Gadnis, Adv.
Mr. A. Venayagam Balan, Adv.

Mr. S.M. Walawaikar, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

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

Ms. Surekha Raman, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Adv.

Mr. S.M. Walawaikar, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

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

We have perused the interim report of the Monitoring Committee in which it is stated that the State Government has tentatively fixed e-auction on 17th February, 2014 for a quantity of about 5 lakh tonnes of iron ore. Hence it appears that it will take some more time to complete the e-auction of the excavated iron ores in the State of Goa.

We have also perused the interim report of the Six Member Expert Committee in which it is stated that the Committee is not in a position to suggest any level of annual ceiling/capping and that it requires three more months' time for submitting the interim report.

Considering the fact that interim orders have been passed by this Court suspending are mining operations in Goa, we are not inclined to grant three more month's time. However, we grant time upto 15th March, 2014 for submission of the interim reports by the Monitoring Committee and the Expert Committee.

The Six Member Committee has also mentioned that the Members are facing difficulty in reimbursement of their expenses on travel etc. and has requested the Court to permit the members to claim their reimbursement from the Government of Goa and to direct the Ministry of Environment and Forests fto release an ad hoc amount of Rs. 25 lakhs from the CAMPA Funds to the Government of Goa for the same. We direct the Ministry of Environment and Forests to release an ad hoc amount of Rs. 25 lakhs from the CAMPA funds to the Government of Goa and the Government of Goa will directly reimburse the expenses on travel, pay etc. to the Six Members of the Committee.

Learned Advocate General for the State of Goa submitted that some further time may be granted to the State to file the NEERI Report. Two weeks' time is granted to the State of Goa to file the NEERI Report.

The Ministry of Environment and Forests has placed before us the Report on Regional Environmental Impact Assessment Study of Mining in Goa Region in three volumes prepared by the Indian School of Mines. The Ministry of Environment and Forests is directed to furnish copies of this Report to all the parties appearing in this case through their respective counsel.

List the matter on 24th March, 2014.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 435 OF 2012

GOA FOUNDATION

PETITIONER

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

O R D E R

Perused the communications received from Professor C.R. Babu, Centre for Environmental Management of Degraded Ecosystems, University of Delhi; Mr. S. Parameswarappa, Indian Forest Service (Retired) and Dr. S.C. Dhiman, Former Chairman, Central Ground Water Board.

2. Someone will have to act as a Convenor of the Expert Committee appointed to conduct the Macro Environmental Impact Assessment Study. We direct that the nominee of the Chief Secretary of Government of Goa will act as the Convenor of the Expert Committee.

3. The nominee of the Chief Secretary, Government of Goa will also act as the Nodal Agency to provide all logistic support to the Expert Committee.

4. We are not quite sure whether the Secretary, Ministry of Environment and Forests, Government of India has nominated a member in the Expert Committee. If he has not done so, he will forth with nominate a Member and intimate the name to the Principal Secretary, Department of Mines, Revenue and Forests, Government of Goa.

5. Considering the limited time now available for the Expert Committee to submit its interim report, we would like the Expert Committee to meet day to day, as far as possible and submit the report by 15th February, 2014.

6. Office Report for directions is ordered accordingly.

.....J.
[A.K. PATNAIK]

.....J.
[SURINDER SINGH NIJJAR]

.....J.
[FAKKIR MOHAMED IBRAHIM KALIFULLA]

New Delhi
January 06, 2014.