

ITEM NO.6

COURT NO.4

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).9023-9024/2011

(From the judgement and order dated 11/02/2010 in WP No.613/2008 dated 27/08/2010 in WP No.613/2008 of The HIGH COURT OF UTTARAKHAND AT NAINITAL)

DALBIR SINGH SHISODIA

Petitioner(s)

VERSUS

AJAY SINGH RAWAT & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 03/12/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s)

Mr. N.S. Gahlot, Adv.
Mr. Sahdev Singh, Adv.
Mr. Raj Singh Rana, Adv.

For Respondent(s)

Mr. S.P. Singh, Sr. Adv.
Ms. Sukhbeer Kaur Bajwa, Adv.

Mr. Mukesh Verma, Adv.

Mr. Abhishek Atrey, Adv.

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

These petitions are directed against orders dated 11.02.2010 and 27.08.2010 passed by the Division Bench of the Uttarakhand High Court in Writ Petition No. 613 of 2008.

Notice was issued to the respondents on 28.03.2011. Thereafter, the case has been adjourned on several dates.

On 08.05.2012, learned senior counsel for the Union of India made a statement that the petitioner cannot be allowed to undertake mining operations without getting clearance from the competent authority constituted under the Notification issued under the Environment Protection Act, 1986 read with Rule 5.3.d of the Environment Protection Rules, 1986. He undertook to place on record copies of the notifications issued under the 1986 Act from time to time.

On the next date of hearing, no one appeared for the Union of India. Therefore, the Registry was directed to inform the Attorney General for India about the absence of the counsel for Union of India so that he could issue appropriate instructions for the presence of the advocate.

Today, Shri S.P. Singh, learned senior counsel appearing for the Union of India again sought adjournment for placing on record the notifications issued under the Environment Protection Act, 1986.

We are constrained to observe that the Union of India has taken the matter very casually and for last more than six months the relevant notifications have not been produced by it. Therefore, while adjourning the case for eight weeks, we direct the Union of India to place on record copies of the notifications issued under the Environment Protection Act, 1986.

For today's adjournment, the Union of India shall pay cost of rupees one lakh to the petitioner.

List the case on 05.02.2013.

| (Parveen Kr. Chawla)
|Master

Court | (Phoolan Wati Arora)
|Court Master

|