

LISTED ON 28.03.2016

COURT NO.4

ITEM NO. 48

SEC-IVA

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 31851,31092 ,
19264-19266 OF 2009, 11276 OF 2010 SLP(C) NOS. 35923, 12100-12101,
13723-13727, 28617, 28623, 30499, 31361, 31605, 32112 OF 2009 AND
24068 OF 2011

WITH PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NOS.4-6 IN SLP(C) NOS.19264-66 OF 2009
(Application for Directions)

AND

INTERLOCUTORY APPLICATION NO.5 & 7 IN SLP(C) NO;28617 OF 2009
(Application for permission to file Addl. Documents).

AND

INTERLOCUTORY APPLICATION NO.5 & 7 IN SLP(C) NO;28623 OF 2009
(Application for permission to file Addl. Documents).

AND

INTERLOCUTORY APPLICATION NOS. 7-9 IN SLP(C) NO. 19264-66 OF 2009
(Application for impleadment)

AND

INTERLOCUTORY APPLICATION NOS. 10-12 IN SLP(C) NO. 19264-66 OF 2009
(Application in reply to the impleadment application in I.A. Nos.
7-9)

AND

INTERLOCUTORY APPLICATION NO. 2 IN SLP(C) NO. 31092 OF 2009
(Application for impleadment as party respondent)

AND

INTERLOCUTORY APPLICATION NO. 2 IN SLP(C) NO. 24068 OF 2011
(Application for directions)

AND

INTERLOCUTORY APPLICATION NO. 5 IN SLP(C) NO. 34006 OF 2009
(Application for producing additional documents)

AND

INTERLOCUTORY APPLICATION NO. 5 IN SLP(C) NO. 13723-13727 OF 2009
(Application for intervention)

AND

INTERLOCUTORY APPLICATION NOS. 16 to 18 IN SLP(c) NO. 19264-66 OF
2009
(Application for impleadment filed by JSW)

AND

INTERLOCUTORY APPLICATION NOS. 13-15 IN SLP(C) NO. 19264-66 OF 2009
(Application for bringing on record the Lrs of deceased respondent
namely Vikram Nikam)

AND

INTERLOCUTORY APPLICATION NOS. 6-10 IN SLP(C) NO. 13723-27 OF 2009
(Application for bringing on record the Lrs of deceased respondent
namely Vikram Nikam)

M/s B.R.N. Black Diamond Overseas

...Petitioner

-VERSUS-

The State of Karnataka & Ors. Etc.

...Respondents

COMMON OFFICE REPORT

The matters above mentioned were listed before the Hon'ble Court on 04.03.2014 with an office report dated 03.03.2014 , when the Court was pleased to pass the following order:

"Three weeks' time is granted to learned counsel for the petitioner to file an appropriate application to bring on record the legal representatives of deceased respondent H.T. Parsuram in SLP © Nos. 19264-19266/2009, 12100-12101/09 and 13723-13727 of 2009.

Shri Ankurs. Kulkarni, learned counsel for the petitioner is directed to furnish the requisite information within two weeks time from today in SLP © Nos. 19624-19266/2009, 12100-12101 of 2009 and 13723-13727 of 2009. call the matter after four weeks for directions."

SLP (C) No. 19264-19266/2009

It is submitted that notice was issued to the proposed Lrs. Of deceased respondent namely Vikram Nikam only in SLP (C) No. 19264-19266/2009. A.D. Cards have been received in respect of all the three proposed Lrs of deceased respondent namely Vikram Nikam.

It is submitted that counsel for the petitioner has filed application for bringing on record the Lrs of deceased respondent namely H.T. Parshuram (respondent no. 12 in SLP No. 19264/2009 and respondent no. 13 in SLP No. 19265-66/2009) but the said application is defective for the following reasons:

1. Application for condonation of delay and set aside abatement filed.
2. Copy not served to M/s Shroff & Shroff Co., Shridhar Potaraju, P.V. Dinesh and A. Sumathy, Advocates.

It is lastly submitted that counsel has not cured the defect despite the registry letter dated 20.03.2014. As the matter was on board the said unregistered application has been included in the paper books.

SLP (C) No. 12100-12101/2009

It is submitted that counsel for the petitioner has filed application for bringing on record the Lrs of deceased respondent namely Vikram Nikam but he has not mentioned as to who is representing the proposed minors Lrs of deceased respondent namely Vikram Nikam. However service is complete on proposed Lrs of Vikram Nikam in connected SLP Nos 19264-66/2009.

It is also submitted that counsel for the petitioner has filed application to bring on record the Lrs of deceased respondent no. 13 in SLP No. 12100 of 2009 namely H.T. Parshuram but the said application is defective as application for condonation of delay and set aside abatement has not been filed, despite this registry letter dated 28.03.2014. As the matter was on board the same has been included in the paper books. However, service is complete on proposed Lrs of deceased respondent namely Vikram Nikam in SLP No. 19264-66/2009.

SLP (C) No. 13723-27/2009

It is submitted that counsel for the petitioner has already filed application for bringing on record the Lrs of deceased respondent Vikram Nikam. Chamber Summons were endorsed to counsel for the petitioner but counsel for the petitioner has not filed affidavit of service of chamber summons. However service is complete on behalf of proposed Lrs namely Vikram Nikam by AD Card in SLP No. 19264-66 of 2009.

It is also submitted that counsel for the has filed application bringing on record the Lrs of deceased respondent namely H.T. Parshram(respondent no. 13 in SLP Nos. 13723/2009, 13725/2009, respondent no. 14 in 13726/2009) but the said application is defective as not filed application for condonation of delay, set aside

abatement has not been filed and copy also not served to M/s. S. Narain Co. Advocate. Letter was sent to Advocate for curing the defect but counsel for the petitioner has not cured the defect so far, despite this registry's letter dated 16.04.2014. As the matter was on board the same has been included in the paper books.

The matters above mentioned were listed before the Hon'ble Court on 05.01.2016 with an office report dated 04.01.2016 , when the Court was pleased to pass the following order:

"Though a letter circular was filed seeking adjournment, learned counsel for the State submitted that she will file a chart indicating the factual position in each case in view of the amendments brought into the Mines and Minerals (Development and Regulation) Act, 1957 (10 of 2015).

It is submitted by Mr. Ganesh, learned senior counsel appearing for some of the petitioners that in none of the cases, the applications can be treated to be pending as they have been dealt with by various authorities.

Mr. Krishnan Venugopal, learned senior counsel would submit, in his turn, that though his application was pending and not allowed, it may or may not become infructuous by virtue of the amendments brought into the Act, but in any situation the judgment rendered by the High Court deserves to be dislodged.

Learned counsel for the State shall file a chart indicating the factual position in respect of each case within four weeks hence.

Let the matter be listed in the last week of February 2016. "

It is submitted that counsel for the state has not filed any chart indicating the factual position in respect of each case, in so far.

The matters above mentioned were listed before the Hon'ble Court on 22.02.2016 with an office report dated 19.02.2016 , when the Court was pleased to pass the following order:

"List the matter after four weeks, as prayed for by Ms. Anitha Shenoy, learned counsel appearing for the respondent-State."

It is submitted that Mr. Rajesh Kumar, Advocate has on 19.03.2016 filed vakalatnama/appearance on behalf of petitioner in SLP (c) Nos. 28617 and 28623 of 2009 after taking no objection from erstwhile advocate Mr. M.A. Krishnamurthy but it is not clear on whose behalf he has filed vakalatnama/appearance.

The matters are listed before the Hon'ble Court with this Office Report.

Dated on this the 19th day of March, 2016.

ASSISTANT REGISTRAR

Copy to: Mr. A. S. Kulkarni, Advocate
Mr. Suresh A. Shroff & Co., Advocate
Mr. A. Raghunath, Advocate
Mr. Anitha Shenoy, Advocate
Mr. Sridhar Potaraju, Advocate.
M/s. S. Narain & Co., Advocates.
M/s. Karanjawala & Co.
Ms. A. Sumathi, Advocate.
M/s. Khaitan & Co., Advocate
Mr. K. Rajeev, Advocate
M/s. A. P. & J. Chambers, Advocates
Mr. P. V. Dinesh, Advocate
Mr. S. K. Kulkarni, Advocate
M/s. Lex Regis Law Offices, Advocates

ASSISTANT REGISTRAR

SK/-

