

ITEM NO.8

COURT NO.8

SECTION XI-A

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

Miscellaneous Application No. 637/2023 in MA 231/2019 in SLP(C)
No. 6933/2007

(Arising out of impugned final judgment and order dated 03-11-2022
in MA No. 231/2019 passed by the Supreme Court Of India)

MAHANADI COAL FIELDS LTD. . Petitioner(s)

VERSUS

MATHIAS ORAM . Respondent (s)

([TO BE TAKEN UP AT 12.00 P.M.]

IA No. 82211/2023 - APPROPRIATE ORDERS/DIRECTIONS)

WITH

Diary No(s). 3311/2023 (XI-A)

(IA No. 164779/2023 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 84491/2023 - CONDONATION OF DELAY IN FILING

IA No. 79572/2023 - EXEMPTION FROM FILING PAPER BOOKS

IA No. 164778/2023 - INTERVENTION APPLICATION

IA No. 16285/2023 - MODIFICATION)

Diary No(s). 10308/2023 (XI-A)

(IA No. 51622/2023 - APPLICATION FOR PERMISSION

IA No. 51625/2023 - CONDONATION OF DELAY IN FILING

IA No. 79240/2023 - EXEMPTION FROM FILING PAPER BOOKS

IA No. 51623/2023 - MODIFICATION)

Diary No(s). 12440/2023 (XI-A)

(IA No. 60834/2023 - APPLICATION FOR PERMISSION

IA No. 60837/2023 - CONDONATION OF DELAY IN FILING

IA No. 79234/2023 - EXEMPTION FROM FILING PAPER BOOKS

IA No. 60835/2023 - MODIFICATION)

MA 1545/2023 in MA 231/2019 in SLP(C) No. 6933/2007 (XI-A)

(IA No. 127294/2023 - CLARIFICATION/DIRECTION)

MA 1692/2023 in MA 231/2019 in SLP(C) No. 6933/2007 (XI-A)

(IA No. 131555/2023 - CLARIFICATION/DIRECTION)

MA 1878/2023 in MA 231/2019 in SLP(C) No. 6933/2007 (XI-A)

(IA No. 166473/2023 - APPROPRIATE ORDERS/DIRECTIONS)

MA 2023/2023 in MA 231/2019 in SLP(C) No. 6933/2007 (XI-A)
(FOR ADMISSION and IA No.184782/2023-CLARIFICATION/DIRECTION)

Date : 10-10-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Atmaram N.S. Nadkarni, Sr. Adv.
Mr. Salvador Santosh Rebello, AOR
Ms. Arzu Paul, Adv.
Ms. Deepti Arya, Adv.
Ms. Manisha Gupta, Adv.
Mr. Raghav Sharma, Adv.
Mr. Rishikesh Haridas, Adv.
Mr. Siddhant Gupta, Adv.
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Mr. Dharmender Singh, Adv.

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Ms. Nandini Gidwaney, AOR

Mr. Tejaswi Kumar Pradhan, AOR
Mr. Manoranjan Paikaray, Adv.
Mr. Mohan Prasad Gupta, Adv.

Ms. Rohini Musa, AOR

Ms. Anindita Pujari, AOR
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Ms. Radhika Mohapatra, Adv.
Ms. Bhumika Chuoksey, Adv.
Mrs. Bhumika Chouksey, Adv.
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Mr. A. Venayagam Balan, AOR

Mr. K M Nataraj, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Priyanka Das, Adv.
Mr. Abhishek Atrey, Adv.
Mr. Sughosh Subramanyam, Adv.

Mr. Pratyush Shrivastava, Adv.

Mr. R. Chandrachud, AOR
Mr. Arvind Kumar Sharma, AOR
Mr. Jogy Scaria, AOR
Mr. Shibashish Misra, AOR

Mr. Prashant Bhushan, AOR
Mrs. Neha Rathi, Adv.
Mr. Kamal Kishore, Adv.
Mr. Pranav S. Deva, Adv.
Mr. Jatin Bhardwaj, Adv.
Ms. Aakriti, Adv.
Ms. Kajal Giri, Adv.

Mr. S. Verma, Adv.
Mr. Aftab Ali Khan, AOR
Mr. S. K. Shrivastav, Adv.
Mr. Gurjeet Singh, Adv.
Mr. Ali Safeer Farooqi, Adv.
Mr. Rahat Ali Chaudhary, Adv.

Mr. P.V. Dinesh, Adv.
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Ms. Neha Rathi, AOR
Mr. Kamal Kishore, Adv.
Ms. Kajal Giri, Adv.

Mr. Satya Mitra, AOR
Mr. Rahul Shyam Bhandari, AOR

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

M.A. No. 637/2023 in M.A. 231/2019 in SLP(C) No. 6933/2007, Diary
No(s). 3311/2023, Diary No(s). 10308/2023, Diary No(s). 12440/2023,
M.A. 1545/2023 in M.A. 231/2019 in SLP(C) No. 6933/2007

Permission to file Miscellaneous Applications is granted.

Delay condoned.

After hearing learned counsel for the parties this court is of the opinion that in tune with para 69 of the Judgment, any further grievance can be entertained and agitated before the High

Court. The miscellaneous applications are accordingly disposed of with liberty to approach the High Court in appropriate proceedings.

M.A. 1878/2023 in M.A. 231/2019 in SLP(C) No. 6933/2007

By this application, the applicant sought modification of the Judgment of this Court dated 3.11.2022 to the extent that in para 68(ix) how the vacancies occurring in the commission ought to be filled. The existing direction reads as follows :

"ix In case of any vacancy in the Office of Chairman of the Commission, the Chief Justice of the Orissa High Court shall nominate a retired judge of that court In the event of any other vacancy, the government of Orissa shall nominate the concerned members, however, it is clarified that the government nominees should not be ex-officio or part-time members, and should be of the rank and status of Additional Secretary, with experience in the social Welfare or Revenue Departments at senior levels"

By order dated 19.07.2010 this Court had directed the setting up of the Claims Commission. The composition set out was a former Judge of the Orrisa High Court; an officer who had held the post or office equivalent to the rank of Secretary to the Government of India and an officer to be nominated by the Chairman, Coal India Limited.

Counsel for the outsee does not oppose the modification sought. Accordingly, para 68(ix) (corresponding to the reported judgment) is directed to now read as follows:

A. *"ix In case of any vacancy in the Office of Chairman of the Commission, the Chief Justice of*

the Orissa High Court shall nominate a retired judge of that court In the event of any other vacancy, the government of Orissa shall nominate the concerned members, however, it is clarified that the government nominees should not be ex-officio or part-time members, and should be of the rank and status of Additional Secretary, with experience in the social Welfare or Revenue Departments at senior levels"

- B. *"In case of any vacancy in the Office of Chairman of the Commission, the Chief Justice of the Orissa High Court shall nominate a retired judge of that Court The Secretary, Ministry of Coal, The Government of India shall nominate an officer who has held a post/office equivalent to the rank of Secretary to the Government of India as one of the members of the Commission and similarly, the Chairman, Coal India Ltd shall nominate an officer as the other member of the Commission "*

The miscellaneous application is accordingly allowed.

MA 1692/2023 in MA 231/2019 in SLP(C) No. 6933/2007 (Para 2 Page 3)

After hearing learned counsel for the parties, this Court clarifies in tune with the previous order dated 15.07.2013 any village apart from Kripsara and Ratansara which are de-allocated, the MCL shall bear the liability of disbursing payments to the land owners/outsee and thereafter it is open to recover such amounts from the subsequent allottee/allottees. It is open to the MCL to seek directions from this Court, in the event it experiences any difficulty in this regard, with the Central Government.

The miscellaneous application is allowed.

M.A. 2023/2023 in M.A. 231/2019 in SLP(C) No. 6933/2007

It is submitted that the Commission has prepared and finalized its reports which are part of the record, in regard to villages Tumulia, Jhupuranga and other villages. The MCL has

certain grievances with regard to these reports. This Court is of the opinion that the MCL should approach the High Court - as indicated in Para 69 of the Judgment and Order dated 03.11.2022.

The miscellaneous application is disposed of.

The amounts which are lying in the deposits shall be transferred to the High Court, upon receipt of any order in that regard. The High Court is requested to ensure that the said amount is kept in an interest-bearing deposit and renewed from time to time till the disposal of the petition or MCL before it.

It is further clarified that in case of any grievance by any party with respect to any order or report of the Claims Commission, the grievance should be first articulated before the High Court, in appropriate proceedings. The High Court shall decide such disputes on their merits, and in accordance with law and the previous judgments and orders of this Court. In case the High Court is approached, it shall consider disposing of such petitions, as expeditiously as possible, since the acquisition in this case occurred in 1988 and this Court delivered its Judgment in the year 2010.

All pending applications are disposed of.

(NEETA SAPRA)
COURT MASTER (SH)

(BEENA JOLLY)
COURT MASTER (NSH)

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(NEETA SAPRA)
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