

ITEM NO.1501
(For Judgment)

COURT NO.5

SECTION PIL-W

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

Writ Petition(s) (Civil) No(s). 114/2014

COMMON CAUSE

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

W.P. (C) No. 194/2014 (PIL-W)

Date : 02-08-2017 These petitions were called on for
pronouncement of judgment today.

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 Mr. Yagesh Kumar Dahiya, Adv.
 Mr. Sunil Khatwani, Adv.
 Mr. Taiba Khan, Adv.

 Dr. Monika Gusain, Adv.

Hon'ble Mr. Justice Madan B. Lokur pronounced the reportable

judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice Deepak Gupta.

The Court disposed of the writ petitions in terms of the signed reportable judgment with the following observations:

Conclusion

219. In view of findings above, we dispose of the writ petitions to the extent of the directions that we have already given.

220. I.A. Nos. 45 (filed by Zenith Mining) and 47 (filed by Kavita Agrawal) are dismissed since their lease has not been extended or has been determined and they do not have any environment clearance or forest clearance.

221. I.A. No. 66 (filed by J.N. Pattnaik) is also dismissed since there is no forest clearance available.

222. We have been informed that S.A. Karim (I.A. No.9) actually had a working lease and has wrongly been included as a non-operational lease. Accordingly, I.A. No. 9 (filed by S.A. Karim) is also dismissed but as being infructuous. However, it is made clear that the State Government should ensure that the lessee S.A. Karim in fact has valid statutory clearances.

223. Pending show cause notices issued by the State Government should be decided by 31st December, 2017 (if not already decided) after hearing the concerned noticees.

224. We would like to hear Jindal Steel and Power Limited, Sarda Mines Private Limited, Rungta Group of Companies and Essel Mining and Industries Limited on the applications filed by them. For this purpose list the matter again after two weeks so that a convenient date of hearing can be fixed.

225. The amounts determined as due from all the mining lease holders should be deposited by them on or before 31st December, 2017. Subject to and only after compliance with statutory requirements and full payment of compensation and other dues, the mining lease holders can re-start their mining operations.

226. We would also like to hear the eight concerned mining lease holders on the question of appointing an appropriate Committee in respect of the applicability of Rule 37 of the Mineral Concession Rules to them.

227. We would also like to hear learned counsel for all the

parties with regard to setting up of an Expert Committee presided over by a retired judge of this Court to identify the lapses that have occurred over the years that have enabled rampant illegal and unlawful mining in Odisha and to recommend preventive measures not only to the State of Odisha but generally to all other States where mining activities are proceeding on a large scale. For the present, we pass no direction with regard to any investigation by the CBI.

228. We direct the Union of India to have a fresh look at the National Mineral Policy, 2008 which is almost a decade old, particularly with regard to conservation and mineral development. The exercise should be completed by 31st December, 2017.

229. The Chief Secretary of Odisha should file an affidavit as indicated by us within a period of six weeks and in any case on or before 30th September, 2017. The Registry will list these petitions along with the affidavit immediately after its receipt for our consideration.

230. All other pending I.A.s are disposed of in terms of our orders.

(MEENAKSHI KOHLI)
COURT MASTER

(SHARDA KAPOOR)
ASSISTANT REGISTRAR

[Signed reportable judgment is placed on the file]