

ITEM NO.301 & 303

COURT NO.2

SECTION PIL-W/X

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). 562/2009

SAMAJ PARIVARTANA SAMUDAYA & ORS.

PETITIONER(S)

VERSUS

STATE OF KARNATAKA . & ORS.

RESPONDENT(S)

(I.A. NOS. 269, 43528, 37377, 59832, 24335, 212, 62856 I.E. (APPLICATIONS FOR DIRECTIONS) AND I.A. NO. 80275/2018 ARISING OUT OF REPORT NO. 18 OF THE CEC. THE FOLLOWING ADVOCATES NAME MAY BE SHOWN AGAINST THE SAID I.A.S MR. SHYAM DIVAN, SR. ADV (A.C.), MR. A.D.N. RAO, ADV (A.C.), MR. SIDDHARTH CHOWDHARY, ADV (A.C.), MR. PRASHANT BHUSHAN, ADV, MS. ANITHA SHENOY, ADV, MR. KUMAR DUSHYANT SINGH, ADV, MR. A. RAGHUNATH, ADV, M/S. KHAITAN)

W.P.(C) NO.448/2018

Date : 19-07-2018 These cases were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE
HON'BLE MR. JUSTICE NAVIN SINHA

For parties:

Mr. Shyam Divan, Sr. Adv (A.C.),
Mr. A.D.N. Rao, Adv (A.C.),
Mr. Siddharth Chowdhary, Adv. (A.C.),
Mr. Prashant Bhushan, Adv.
Mr. Govind Jee, Adv.
Mr. T. Sudhakar, Adv.
Ms. Aparna Bhat, AOR

State of Karnataka Ms. Anitha Shenoy, AOR
Ms. Srishti Agnihotri, Adv.
Ms. Remya Raj, Adv.
Mr. O.P. Bhadani, Adv.

FIMI(South)

Mr. Krishnan Venugopal, Sr. Adv.
Mr. Aditya Naryan, Adv.
Mr. Rohit Sharma, Adv.
Mr. Rounak Nayak, Adv.
Mr. Anshul Chowdhary, Adv.
Mr. Kumar Dushyant Singh, Adv.

For M/S Lex Regis Law Offices, AOR

Mr. Yashraj Singh Deora, AOR

JSW Steel Ltd.

Mr. Chander Uday Singh, Sr. Adv.
Mr. Rajat Jariwal, Adv.
Mr. Aakash Bajaj, Adv.
Mr. Sanjeev K. Kapoor, Adv.
For M/S Khaitan And Co., AOR

Mr. Prakash Kumar Singh, AOR

Mr. P. S. Sudheer, AOR

Mr. Jayant Mohan, AOR.

Mr. Vikas Mehta, AOR

Ms. Uttara Babbar, AOR

Dr. Sushil Balwada, AOR

Mr. Sridhar Potaraju, AOR

Mr. Snehasish Mukherjee, AOR

Mr. Shailesh Madiyal, AOR

Mr. Senthil Jagadeesan, AOR

Ms. Ranjeeta Rohatgi, AOR

Mr. Rakesh K. Sharma, AOR

Mr. Rajesh Mahale, AOR

Mr. Rajeev Maheshwaranand Roy, AOR

Mr. Prashant Kumar, AOR

Mr. P. V. Dinesh, AOR
Mr. Neeraj Shekhar, AOR
Mr. Naveen R. Nath, AOR
Mr. Munawwar Naseem, AOR
Mr. Mukesh Kumar Maroria, AOR
Mr. Merusagar Samantaray, AOR
Ms. Manjula Gupta, AOR
Mr. Kunal Verma, AOR
for M/s Karanjawala & Co., AOR
Mr. G. N. Reddy, AOR
Mr. Dinesh Kumar Garg, AOR
Mr. Chandra Prakash, AOR
Mr. Chanchal Kumar Ganguli, AOR
Mr. Bhargava V. Desai, AOR
Mr. Balaji Srinivasan, AOR
Mr. Arvind Kumar Sharma, AOR
Mr. Ankur S. Kulkarni, AOR
Ms. Anjani Aiyagari, Adv.
Ms. Aniruddha P. Mayee, AOR
Mr. Anil Kumar Mishra-I, AOR
Mr. Akhil Anand, AOR
Mr. Adarsh Upadhyay, AOR
M/s Sandur M&IOL Mr. Sunil Dogra, Adv.
Mr. Vivek Vishnoi, Adv.
Mr. Abhishek Sharma, AOR

Ms. A. Sumathi, AOR

IA 37377 Mr. Krishnan Venugopal, Sr. Adv.
Mr. Uday Tiwary, Adv.
Mr. A. Raghunath, AOR

Ms. Vaijayanthi Girish, AOR

Ms. Sudha Gupta, AOR

for M/s Parekh & Co., AOR

Ms. Kirti Renu Mishra, AOR

for M/s Ap & J Chambers, AOR

Deptt. Of Steel Mr. Maninder Singh, ASG
Mr. R. Balasubramaniam, Adv.
Mr. N.K. Karhail, Adv.
Mr. Raj Bahadur, Adv.

IA 269 Mr. K.K. Venugopal, AG
NMDC Mr. K. Raghavacharyulu, Adv.
Mr. Kailash Pandey, Adv.
Mr. Ranjeet Singh, Adv.
Mr. Gaichngpou Gangmei, AOR

State of Rajasthan Mr. S.S. Shamschery, AAG, Rajasthan
Mr. Amit Sharma, Adv.
Mr. Sandeep Singh, Adv.
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Mr. Nidhi Jaiswal, Adv.
Ms. Indira Bhakar, Adv.
Ms. Ruchi Kohli, Adv.

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Mr. Sarad Kumar Singhania, Adv.
Mr. R. Balasubramaniam, Adv.
Mrs. Asha G. Nair, Adv.
Mr. G.S. Makker, AOR

CBI Mr. Maninder Singh, ASG
Mr. Rajiv Nanda, Adv.
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Mr. P.K. Dey, Adv.
Mr. Arvind Kr. Sharma, AOR

Mr. M.K. Maroria, AOR

Mr. Maninder Singh, ASG
 Mr. R. Balasubramaniam, Adv.
 Ms. Aarti Sharma, Adv.
 Mr. Prabhas Bajaj, Adv.
 Ms. Vimla Sinha, Adv.
 Mr. Amarjeet Singh, Adv.
 Ms. Anil Katiyar, AOR..

Ms. S. Usha Reddy, AOR

Ms. Rohini Musa, AOR

Mr. Basavaprabhu S. Patil, Sr. Adv.
 Mr. Darpan K.M., Adv.
 Ms. Hetu Arora Sethi, AOR.

Mr. Guntur Prabhakar, AOR

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Mr. Vaibhav Srivastava, Adv.
 Mr. Aman Pandey, Adv.
 Mr. Kabir Dixit, AOR

Mr. Ramjee Pandey, Adv.
 Mr. Ankit Pandey, Adv.
 Mr. Shashank Shekhar Singh, AOR.
 In place of Mr. Samir Ali Khan, AOR

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

I.A. NO.269 OF 2017 IN W.P.(C) NO.562 OF 2009 [FOR DIRECTIONS] FILED ON BEHALF OF NMDC LTD

Report submitted by Shri M.K. Jiwarajka, former Member Secretary, Central Empowered Committee (C.E.C.) be placed before the C.E.C. for its comments.

A copy of the said report be also given to Shri Shyam Divan, learned Amicus Curiae who is requested to offer his views on the suggestions/objections contained in the said report.

Shri M.K. Jiwarajka, former Member Secretary, Central Empowered Committee is requested, as ordered earlier, to continue to be present in each hearing of the case and submit his views in each of the I.As. that may be filed from time to time. Such views will be submitted directly to the Court. This is in reiteration of our earlier order dated 16th and 24th August, 2017.

I.A. NO.43528 OF 2018 IN W.P.(C) NO.562 OF 2009 [FOR DIRECTIONS] FILED ON BEHALF OF THE STATE OF KARNATAKA

Order dated 30th July, 2015 passed by this Court would require no modification. I.A. NO. 43528 of 2018 shall stand closed accordingly.

I.A. NO.37377 OF 2018 IN W.P.(C) NO.562 OF 2009 [FOR DIRECTIONS] FILED ON BEHALF OF BR GANAPATHI SINGH - APPLICANT AND I.A. NO.212 OF 2014 (FOR DIRECTION) FILED ON BEHALF OF BALAJI PRODUCE COMPANY

Response of the lessees to the Report No.29 of 2018 dated 18th July, 2018 in I.A. No.37377/2018 and Report No.30 of 2018 dated 18th July, 2018 in I.A. No.212 of 2014 filed by the C.E.C. may be filed within four weeks.

On the next date the State of Karnataka will place before the Court the position with regard to the Notifications proposing to constitute Reserve Forests

which have been kept at the stage of Section 4 of the Karnataka Forest Act, 1963. As the number of such Notifications is stated by the C.E.C. in its report to be over 2000, the reasons why such Notifications have not proceeded beyond the preliminary stage may be placed before the Court.

List the applications on 30th August, 2018 at 2.00 p.m.

I.A. NO.59832/2018 IN I.A. NO.5/2011 IN WP(C) NO.562/2009 (FOR DIRECTION) FILED ON BEHALF OF THE KARNATAKA IRON AND STEEL MANUFACTURERS ASSOCIATION

List the applications on 30th August, 2018 at 2.00 p.m.

I.A. NO.24335 OF 2018 (FOR DIRECTIONS) FILED ON BEHALF OF FIMI (SOUTH)

We have perused the Report No. 28 of 2018 filed by the C.E.C. on 16th July, 2018. Karnataka Iron And Steel Manufacturers Association ("KISMA") represented by Shri C.U. Singh, learned Senior Counsel. Learned Senior Counsel for the KISMA seeks some time to explain some of the defects mentioned in the report (No.28 of 2018) of the C.E.C dated 16th July, 2018, namely, to the effect that the internal demand for iron ore is not to the extent as had been suggested by the Monitoring Committee and also the reasons as to why in the auction

sales only small quantities of iron ore put for auction could be sold.

List the applications on 30th August, 2018 at 2.00 p.m.

I.A. NO.62856 (APPLICATION FOR DIRECTIONS)

C.E.C. to submit its report within four weeks.

List the applications on 30th August, 2018 at 2.00 p.m.

I.A. NO.80275/2018 (@ Report of 18 of CEC)

Learned counsel for the State of Karnataka submits that while the demand of taxes has been brought down to 'NIL' the question of penalty and interest would survive.

Having regard to the nature of the public duties that are performed by the Monitoring Committee we do not consider it appropriate to allow the State of Karnataka to proceed in the matter for recovery of any penalty or interest. We, however, direct the Monitoring Committee to be vigilant in the future and to submit returns as per the norms in force.

In view of what we have stated above, the observations contained in the report of the Audit shall be understood to have been deleted.

List the applications on 30th August, 2018 at
2.00 p.m.

I.A. NO.72697 OF 2017 [FOR DIRECTIONS] FILED ON BEHALF
OF THE SAMAJ PARIVARTAN SAMUDAYA & ORS.

AND

I.A. NO.95498/2018 [FOR DIRECTIONS] FILED ON BEHALF OF
JSW STEEL LTD.

Upon being mentioned, the I.As. are taken on
board.

List the applications on 30th August, 2018 at
2.00 p.m.

W.P.(C) NO.448/2018

Ms. Anitha Shenoy represents respondent Nos. 1
and 3 which respondents has not yet been served. As
the said respondents are now represented, Office to
treat service to be complete and proceed in the matter.

The said Respondent may file their counter
affidavit within four weeks from today.

List the matter on 30th August, 2018 at 2.00 p.m.

[VINOD LAKHINA]

AR-cum-PS

[ASHA SONI]

BRANCH OFFICER