

ITEM NO.1

COURT NO.2

SECTION X

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

I N D I A

Petition(s) for Special Leave to Appeal (C)

No(s). 16303/2012

(Arising out of impugned final judgment and order dated 27/04/2012
in SA No. 14/2011 passed by the High Court Of Uttarakhand At
Nainital)

M/S GVK & L & T CONSORTIUM & ANR.

Petitioner(s)

VERSUS

RELIANCE INFRAS.LTD.& ORS.

Respondent(s)

(Interim relief and office report)

WITH SLP(C) No. 26877/2012

(With Interim Relief and Office Report)

SLP(C) No. 37250/2012

(With Office Report)

Date: 15/10/2014 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MRS. JUSTICE R. BANUMATHIFor Petitioner(s)
(SLP 16303/12)Mr. M.L.Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Himanshu Shekhar, Adv.
Ms. Ruchi Kohli, Adv.

(SLP 16303/12)

Mr. M.L.Lahoty, Adv.
Mr. Himanshu Shekhar, Adv.

(SLP 37250/12)

Mr. Altaf Ahmed, Sr. Adv.
Ms. Sangeeta Mandal, Adv.
For M/s Fox Mandal & Co.

For Respondent(s)

Mr. P. Chidambaram, Sr. Adv.
Mr. Mahesh Agarwal, Adv.

Signature Not Verified

Mr. Rishi Agrawala, Adv.
Mr. E. C. Agrawala, Adv.Digitally signed by
Mahabir SinghDate: 2014.10.27
18:18:04 IST

Reason:

Ms. Radhika Gautam, Adv.
Mr. Akshay R., Adv.
Mr. Pratush P., Adv.
Ms. Devika Mohan, Adv.

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Mr. Altaf Ahmed, Sr. Adv.
Ms. Sangeeta Mandal, Adv.
For M/s Fox Mandal & Co.Mr. Sumit Goel, Adv.
For M/s. Parekh & Co.

Mr. M.L.Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Mr. Himanshu Shekhar, Adv.
Ms. Ruchi Kohli, Adv.

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

Heard.

Mr. Altaf Ahmed, learned senior counsel appearing for the
State of Uttarakhand, has drawn our attention to an order dated
15th July, 2011 passed in Writ Petition No.72 of 2010 whereby the
High Court has observed as under:

"For the reasons stated above, it is directed that
before allotting any hydel project, be it small,
medium or large, there should first be a detailed
Environmental Impact assessment and scientific study
of all the major and minor river basins in the State
of Uttarakhand, where these projects are to be
allotted and only after a detail study has been made
and the riparian rights of the settlements which are
on the banks of these rivers taken care of, that any
steps be made for giving these hydel projects to
either State or private developers.

Before parting, I also feel that it would be expedient
on the part of the State, having gained in experience
in relation to the present lis, as against its
experience of auctioning of these projects, that the
Government should make an all out effort in future to
auction even the small hydel projects."

He has also drawn our attention to an order of a Three-Judge
Bench of this Court passed on 31st July, 2014 in Civil Appeal
NO.1279 of 2013 and connected matters whereby this Court has
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observed as under:

"The position taken by the State of Uttarakhand
that no permission for hydel project in the State shall
be permitted unless comprehensive/detailed
Environmental Impact Assessment and Scientific Study
of all the major and minor rivers in the State is
completed, cannot be said to suffer from any legal or
constitutional flaw.

In view thereof, civil appeals are dismissed."

Mr. Altaf Ahmed submits that in the light of the above
direction, The State would need some time to file an affidavit
indicating the current status of the on-going environmental study
initiated in terms of the direction issued by the High Court as
affirmed by this Court as also the State's position as to the

status of the tender process which forms the subject matter of the dispute in the present proceedings.

Needful be done by Mr. Ahmed within six weeks with an advance copy to counsel opposite who shall be free to respond to the same within two weeks thereafter.

Post after eight weeks.

(MAHABIR SINGH)
COURT MASTER

(VEENA KHERA)
COURT MASTER