

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

I.A No.22

IN

WRIT PETITION (CIVIL) NO.562 OF 2009

SAMAJ PARIVARTANA SAMUDAYA & ORS.

Petitioner(s)

VERSUS

STATE OF KARNATAKA & ORS.

Respondent(s)

(C.E.C. Report dated 18/08/2011)

With S.L.P. (C) Nos.7366-7367 of 2010
(With appln(s) for exemption from filing c/c of the impugned judgment, directions, intervention, prayer for interim relief and office report)

S.L.P. (C) Nos.32690-32691/2010
(With prayer for interim relief and office report)

W.P. (Crl.) No.66 of 2010
(With appln(s) for directions and office report)

S.L.P. (C) Nos.17064-17065 of 2010
(With appln.(s) for vacating stay, prayer for interim relief and office report)

S.L.P. (C) No...../2010 (CC 16829/2010)
(With appln(s) for c/delay in filing SLP and office report)

S.L.P. (C) No...../2010 (CC 16830/2010)
(With appln(s) for c/delay in filing SLP and office report)

Writ Petition (C) No.411 of 2010
(With appln.(s) for directions and office report)

S.L.P. (C) No.353 of 2011
(With prayer for interim relief and office report)

S.L.P. (C) Nos.15655-15658/2011
(With appln(s) for permission to file SLPs, prayer for interim relief and office report)

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S.L.P. (C) Nos.15659-15684/2011
(With appln(s) for permission to file SLPs, prayer for interim relief and office report)

Date: 26/08/2011 This Matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE SWATANTER KUMAR

Mr. Shyam Divan, Sr. Adv. (A.C.)
Mr. A.D.N. Rao, Adv. (A.C.)
Mr. Siddharth Chaudhary, Adv. (A.C.)

For Petitioner(s)
In WP 562/2009: Mr. Pranav Sachdeva, Adv.

In SLP 7366-67/2010: Mr. Goolam E. Vahanvati, AG.
Mr. T.V. Ratnam, Adv.

In SLP 17064-65/2010: Mr. Parag P. Tripathi, ASG.
Mr. T.V. Ratnam, Adv.

In SLP 32690-91/2010: Mr. Sindhu T.P., Adv.
Mr. P.V. Vinod, Adv.
Mr. P.V. Dinesh, Adv.

In WP 66/2010: Mr. Prashant Kumar, Adv.
Ms. Triveni Potekar, Adv.
Mr. Amit Singh, Adv.
Mr. Merusagar Samantaray, Adv.

In CC 16829/2010 and
16830/2010: Mr. Sridhar Potaraju, Adv.

In WP 411/2010: Mr. Ranvir Singh, Adv.
Mr. P. Ramesh Kumar, Adv.
Ms. Rajkumari Banju, Adv.

In SLP 353/2011: Mr. G. Umapathy, Adv.
Ms. Sudha Umapathy, Adv.
Mr. Rakesh K. Sharma, Adv.

In SLP 15655-58/11 &
15659-84/11/2011: Mr. A.D.N. Rao, Adv.

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For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Huzefa Ahmadi, Adv.
Mr. K. Raghavacharayulu, Adv.
Mr. Sridhar Potaraju, Adv.
Mr. G. Prabhakar, Adv.
Mr. G. Gaochangpou, Adv.

For MoEF: Mr. Goolam E. Vahanvati, AG.
Mr. Harris Beeran, Adv.
Mr. Nishanth Patil, Adv.

Mr. Mohan Parasaran, ASG.
Mr. Ashok Bhan, Sr. Adv.
Ms. Asha G. Nair, Adv.
Ms. Satya Siddiqui, Adv.
Mr. S.K. Mishra, Adv.
Mr. B.K. Prasad, Adv.
Mr. D.S. Mahra, Adv.

Mr. Rakesh K. Sharma, Adv.

Mr. Krishan Venugopal, Sr. Adv.
Mr. P.V. Dinesh, Adv.
Mr. Siddhartha, Adv.

For Karnataka: Mr. Raju Ramachandran, Sr. Adv.
Mr. B.V. Acharya, AG.
Mr. R.G. Kolle, Adv.
Ms. Anitha Shenoy, Adv.
Ms. Rashmi Nandakumar, Adv.

Mr. G.N. Reddy, Adv.

Mr. P.P. Malhotra, ASG.
Ms. Sukhbeer Kaur Bajwa, Adv.

Mr. Gaurav Sharma, Adv.
Mr. S.N. Terdal, Adv.

Mr. P.P. Malhotra, ASG.
Ms. Ranjana Narayan, Adv.
Mr. B.K. Prasad, Adv.

Mr. K.K. Venugopal, Sr. Adv.
Mr. Chandra Uday Singh, Sr. Adv.
Mr. Sanjeev K. Kapoor, Adv.
Mr. Rajat Jariwal, Adv.
for M/s. Khaitan & Co., Adv.

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For FIMI:

Mr. T.R. Andhyarujina, Sr. Adv.
Ms. Kiran Suri, Adv.
Mr. K.N. Phanindra, Adv.
Mr. S.J. Amith, Adv.
Ms. Aparna Mathew, Adv.

Mr. T.R. Andhyarujina, Sr. Adv.
Mr. Sunil Dogra, Adv.
for M/s. Lawyers Knit and Co., Adv.

Ms. C.K. Sucharita, Adv.

Mr. A.K. Sharma, Adv.

Mr. Sanjay R. Hegde, Adv.
Mr. Anil Kumar Mishra, Adv.

Mr. Jay Savla, Adv.
Mr. D. Julius Raimei, Adv.
Mr. Sumit Ghosh, Adv.
Ms. Renuka Sahu, Adv.

Mr. S. Ganesh, Sr. Adv.
Mr. Syed Naqvi, Adv.
Ms. Namrata Kapoor Sharma, Adv.
Mr. P.P. Kanwar, Adv.
Mr. Kunal Verma, Adv.

Mr. D.L.N. Rao, Sr. Adv.
Mr. S.K. Kulkarni, Adv.
Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, Adv.

Mr. R.S. Suri, Sr. Adv.
Mr. Avinash Kumar, Adv.
Mr. K.S. Prasad, Adv.

For NMDC Ltd.:

Mr. Parag P. Tripathi, ASG.
Mr. K. Raghavacharayulu, Adv.
Mr. S. Sukumaran, Adv.
Mr. Devadatt S. Kamat, Adv.
Mr. Anand Sukumar, Adv.
Mr. Bhupesh Kumar Pathak, Adv.
Ms. Meera Mathur, Adv.

Mr. Shekhar G. Devasa, Adv.
Mr. Rohit Pandey, Adv.
Mr. D.K. Garg, Adv.

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Mr. Sashi Karan Shetty, Adv.
Dr. Sushil Balwada, Adv.

Mr. Sanjeev K. Kapoor, Adv.
Mr. Rajat Jariwal, Adv.
Mr. Gaurav Juneja, Adv.

For Mysore Minerals Ltd.
Mr. Balaji Srinivasan, Adv.
Mr. A.K. Vasanth, Adv.
Mr. B.D. Vivek, Adv.
Mr. Venkatesh I. Naik, Adv.

Mr. Ranvir Singh, Adv.
Mr. P. Ramesh Kumar, Adv.
Ms. Rajkumari Banju, Adv.

Mr. Krishnan Venugopal, Sr. Adv.
Ms. Kiran Suri, Adv.
Mr. K.N. Phanindra, Adv.

Mr. C.A. Sundaram, Sr. Adv.
Ms. Kiran Suri, Adv.
Mr. K.N. Phanindra, Adv.
Mr. S.J. Amith, Adv.
Ms. Aparna Mathew, Adv.

Mr. K.K. Venugopal, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Akhil Anand, Adv.
Mr. Parveen Sehrawat, Adv.
Mr. Ankur Talwar, Adv.
Mr. Rohit Bhatt, Adv.
Ms. Neeha Nagpal, Adv.
Mr. E.C. Agrawala, Adv.
Mr. Sajan, Adv.

Mr. T.R. Andhyarujina, Sr. Adv.
Mr. G.V.R. Choudary, Adv.
Mr. K. Shivraj Choudhuri, Adv.
Mr. A. Chandra Sekhar, Adv.

Mr. R.S. Suri, Sr. Adv.
Mr. N.L. Ganapathi, Adv.
Mr. K.S. Prasad, Adv.

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

I.A. No.22 - C.E.C. Report dated 18th August, 2011:

On going through the Report of Central Empowered Committee ['CEC', for short], we extend the Order passed by this Court on 29th July, 2011, to the mining leases in Districts Tumkur and Chitradurga. Consequently, pending further orders, there will be a ban on mining in Districts Tumkur and Chitradurga.

[ii] According to the CEC Report, which is based on lease-wise information compiled by the Department of Mines and Geology, Karnataka, a stock of 25 million tonnes of iron ore extracted from various mining leases in Districts Bellary, Tumkur and Chitradurga is available. The question is, how much quantity could be released from the existing stock of 25 million tonnes of iron ore so that the Steel Industry is not starved. We have requested the learned Amicus Curiae and learned Attorney General to submit to this Court the quantity which could be released from the existing stock of 25

million tonnes of iron ore, subject to reclamation and rehabilitation plan(s) being submitted. In that regard, the lessees, Association of Steel Industry and all other affected parties as well as the petitioner, will submit requisite inputs to CEC within two days from today so that the quantity to be released from the existing stock could be decided by this Court. Needless to add that, apart ...7/-

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from the quantification of the stock to be released, the modalities of sale and transportation of such stock will also be formulated and submitted to the Court on the next date of hearing. For that purpose, place the matter on 2nd September, 2011. [iii] By Order dated 6th May, 2011, we had directed the Joint Team to carry out survey and demarcation of 99 mining leases in District Bellary. We direct that the said Order shall also stand extended to the mining leases in Districts Tumkur and Chitradurga and for the remaining mines in District Bellary. [iv] On the next date, i.e., 2nd September, 2011, CEC will also furnish to this Court the name of the Government Agency which would be in-charge of effecting sale(s) of the existing stock and keeping Accounts of the sale proceeds [including royalty payable at the rate of ten per cent of the market price]. [v] We also hereby extend our Order dated 5th August, 2011, to the Districts of Tumkur and Chitradurga, by which we had directed ICFRE to undertake macro level EIA study in respect of district Bellary and to submit reclamation and rehabilitation plan. Consequently, the said order shall equally apply to the Districts of Tumkur and Chitradurga. Subject to above, place the matter on 16th September, 2011.

[T.I. Rajput]
A.R. -cum-P.S.

[Madhu Saxena]
Assistant Registrar