

ITEM NO.60

COURT NO.2

SECTION XV

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

Petition(s) for Special Leave to Appeal (Civil) No(s).21211/2012

(From the judgement and order dated 25/05/2012 in DBCWP No.6591/2011 of
The HIGH COURT OF RAJASTHAN AT JODHPUR)

BIRLA CORPN.LTD.

Petitioner(s)

VERSUS

BHANWAR SINGH & ORS.

Respondent(s)

(With appln(s) for directions,permission to file synopsis and list of
dates and prayer for interim relief and office report)

WITH

SLP(C) NO. 22377 of 2012

(With appln. for directions and with prayer for interim relief and office
report)

SLP(C) NO. 23551 of 2012

(With prayer for interim relief and office report)

SLP(C) NO. 29698 of 2012

(With office report)

SLP(C) NO. 25186 of 2012

(With prayer for interim relief and office report)

SLP(C) NO. 26197 of 2012

(With prayer for interim relief and office report)

Date: 18/01/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN

HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s)

In SLP 21211/12 &

rr. in SLPs.22377,

23551,29698,25186 &

26197/12

Mr. Harish Salve, Sr. Adv.

Mr. Mukul Rohatgi, Sr. Adv.

Mr. P.H. Parekh, Sr. Adv.

Mr. E.R. Kumar, Adv.

Mr. Ankur Chawla, Adv.

Mr. U. Prasad, Adv.

Mr.Galav Sharma, Adv.

Mr. Kshatershal, Adv.

for M/s. Paresh & Co., Advs.

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In SLP 22377/12 Mr. K.V. Viswanathan, Sr. Adv.
Mr. Amit Gupta, Adv.
Mr. Abhishek, Adv.
Mr. Ambar Qamaruddin, Adv.

In SLP 23551/12 Mr. S.K. Bagaria, Sr. Adv.
Mr. Kumar Rajesh Singh, Adv.
M. Sunaina Kumar, Adv.
Mr. Praveen Kumar, Adv.

In SLP 26197/12 & Dr. Manish Singhvi, AAG
rr. In SLPs.21211/12 Mr. Amit Lubhaya, Adv.
Mr. Irshad Ahmad, Adv.

In SLP 29698/12 & Ms. Liz Mathew, Adv.
rr. in SLPs.21211/12 Mr. Giri Raj Subramaniam, Adv.
Ms. Sana Hashmi, Adv.
Mr. Philip Mathew, Adv.

For Respondent(s) Ms. Aishwarya Bhati, Adv.
Mr. Amit Verma, Adv.
Mr. Pawan Kumar Saini, Adv.
Mr. Karmendar, Adv.

Mr. K.B. Rohtagi ,Adv
Ms. Aparna Rohatgi Jain, Adv.
Mr. Mahesh kasana, Adv.

Mr. Annam D.N. Rao ,Adv

Ms. Pragti Neekhara, Adv.

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

On the question of interim orders, we have heard learned counsel for the petitioners and the respondents at some length.

It is evident from the impugned order that the main issue before the High Court pertained to the impact of blasting operations in the periphery of

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Chittorgarh fort. Hence, the question of a complete ban on mining operations around the fort, even without involving blasting, has not been examined.

The parties are ad idem that before making final orders on the prayer for stay of the impugned directions, a report from an expert on the subject matter be called for. It is suggested that in the first instance, the Central Building Research Institute, Roorke, may be asked to conduct a study of impact of mining on the said fort even without blasting operations and submit its interim report. In other words, an expert should

evaluate the effect of mining in the fort area, with any kind of manual or electric gadgets, like surface scrappers, rock breakers, etc.

We accede to the prayer and accordingly request the Director of the Said Institute to nominate an expert to undertake the said exercise and submit his report as expeditiously as possible. In any case, interim report shall be submitted within three weeks from today. It will be open to the said expert to consult or seek assistance of any other agency, as he may deem necessary. It is agreed that all the expenses ..4/-

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in this regard shall be borne by M/s Birla Corporation Ltd. The Secretarial assistance shall, however, be provided by the State.

In the meanwhile, the petitioners are permitted to carry out mining operations manually, without the use of any kind of heavy equipment like the JCBs, Earth movers etc. As the said fort is a protected monument, the ASI shall closely monitor the mining operations.

Call after four weeks.

	[Charanjeet Kaur]		[Kusum Gulati]	
Court Master		Court Master		