

ITEM NO.59

COURT NO.3

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 with prayer for interim relief and office report)

WITH

SLP(C) NO. 22377 of 2012

(With appln(s) 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. 25186 of 2012

(With prayer for interim relief and office report)

SLP(C) NO. 26197 of 2012

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

SLP(C) NO. 29698 of 2012

(With office report)

Date: 29/07/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s)

Mr. Harish N. Salve, Sr. Adv.
Mr. Mukul Rohtagi, Sr. Adv.
Mr. Pravin H. Parekh, Sr. Adv.
Mr. E.R. Kumar, Adv.
Mr. Sameer Parekh, Adv.
Ms. Rukhmini Bobde, Adv.
Mr. Galav Sharma, Adv.
Mr. Kshatrshal Raj, Adv. for
M/S. Parekh & Co.

SLP 23551, 25186 Mr. S.K. Bagaria, Sr. Adv.

Mr. Praveen Kumar, Adv.
Ms. Sunaina Kumar, Adv.

SLP 26197

Dr. Manish Singhvi, Addl. Adv. Gen.
Mr. Irshad Ahmad ,Adv.

SLP 22377

Mr. K.V. Viswanathan, Sr. Adv.
Mr. Abhishek, Adv.
Mr. Ambar Qamaruddin, Adv.
Mr. M. Qamaruddin, Adv.
Mrs. M. Qamaruddin, Adv.

SLP 29698

Mr. B. Basant, Sr. Adv.

Ms. Liz Mathew, Adv.
Mr. Salman Hashmi, Adv.
Mr. Giriraj Subramaniam, Adv.
Ms. Sana Hashmi, Adv.

For Respondent(s) Ms. Aishwarya Bhati, Adv.
Mr. Amit Verma, Adv.
Mr. Pawan Kr. Saini, Adv.
Mrs. Sanjoli Mittal, Adv.

Mr. K.B. Rohtagi, Adv.
Mr. Mahesh Kasana, Adv.
Ms. Aparna Rohtagi Jain, Adv.

Dr. Manish Singhvi, Addl. Adv. Gen.
Mr. Amit Lubhaya, Adv.
Mr. Irshad Ahmad, Adv.

Mr. Annam D.N. Rao, Adv.
Ms. Mansha Monga, Adv.
Ms. Neelam Jain, Adv.

Ms. Liz Mathew, Adv.

Ms. Sana Hashmi, Adv.
Ms. Rukhmini Bobde, Adv.
M/S. Parekh & Co.

Ms. Pragati Neekhara, Adv.

Mr. Sarad Kumar Singhania, Adv.

UPON hearing counsel the Court made the following

O R D E R

The CSIR-Central Building Research Institute, Roorkee (CBRI) has submitted its report in the month of May, 2013 in respect of evaluation of cumulative effect of vibration induced by heavy earth moving machineries (HEMM) used in mines near Chittorgarh Fort & its impact on the structural components of the Fort.

2. Archaeological Survey of India (ASI) has also filed its reply.

3. The consensus emerged among the parties for the following interim order:

i) There shall be no mining activity/operation of any sort and of any nature whatsoever from the Chittorgarh Fort wall up to 1 K.M.

ii) The mining operations between 1 K.M. and 2 K.M. from the Chittorgarh Fort wall may be permitted by using non-HEMM.

iii) The mining operations beyond 2 K.M. from the Chittorgarh Fort wall may be allowed by using HEMM.

4. We order accordingly.

5. The question whether mining operations by using HEMM can be permitted between 1 K.M. and 2 K.M. from the Chittorgarh Fort is kept open for consideration at an appropriate stage.

6. In one of its conclusions in its report, CBRI has stated that long term study of response of the cracks to the full scale mining operations may be taken up separately in a delinked manner in close association with the major stakeholders including ASI and the mining operators.

7. Mr. Harish N. Salve, learned senior counsel for the petitioners in SLP (C) No. 21211 of 2012 submits that he will come out with suggestions in consultation with other stakeholders in this regard within four weeks from today. We appreciate Mr. Salve's initiative.

8. List this group of matters on August 26, 2013.

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| (Pardeep Kumar)
| Court Master

| | (Renu Diwan)
| | Court Master

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