

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). 435 OF 2012

GOA FOUNDATION Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With application for directions, modification of Court's order and direction/modification, intervention, interim Relief, impleadment, modification, stay/direction, clarification of Court's order, permission to file additional affidavit and office report)

WITH

W.P.(C) NO. 99 of 2013[FOR PRELIMINARY HEARING]
[M/S. H.L. NATHURMAL V. UNION OF INDIA AND ORS.]
(With application for ex parte stay and office report)

T.P.(C) NO. 8 of 2013
[V.M. SALGAOCAR & BROTHER PVT. LTD. & ANR. V. THE SHAH COMMISSION OF INQUIRY & ORS.]
(With office report)
T.P.(C) NO. 230 of 2013
[GOA MINING ASSOCIATION V. SHAH COMMISSION & ORS.]
(With application for ex-parte stay and office report)

IA NO. 2580 & 2669 in IA 2580 in WP(C) NO.202/1995
[T.N. GODAVARMAN THIRUMULPAD V. UNION OF INDIA & ORS.]
(Recommendations of CEC in Application No. 1041 and directions)

T.P.(C) No. 1441 of 2013
[DEEPAK M. GHARSE V. UNION OF INDIA & ORS.]
(With office report)

T.P.(C) No. 1186 of 2013
[M/S. PANDURANG TIMBLO INDUSTRIES & ORS. V. THE SHAH COMMISSION OF INQUIRY AND ORS.]
(With office report)

T.P.(C) No. 574 of 2013
[SOCIEDADE TIMBLO IRMAOS LOIMITADA & ANR. V. UNION OF INDIA & ORS.]
(With office report)

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T.P.(C) No. 766 of 2013
[ANA BERTA DO REGO E. FERNANDES & ANR. V. UNION OF INDIA & ORS.]
(With application for ex-parte stay and ors.)

T.P.(C) No. 770 of 2013
[SOCIEDADE TIMBLO IRMAOS LIMITADA & ANR. V. UNION OF INDIA & ORS.]
(With application for ex-parte stay and ors.)

T.P.(C) No. 776 of 2013
[SHRI ALEIXO MANUAL C.P. DA COST V. UNION OF INDIA & ORS.]
(With application for ex-parte stay and ors.)

T.P.(C) No. 836 of 2013
[KUNDA RAGHUVIR GHARSE V. UNION OF INDIA & ORS.]
(With application for ex parte stay and office report)

T.P.(C) No. 864 of 2013
[NOOR MOHD. ABDUL KARIM & ANR. V. UNION OF INDIA & ORS.]
(With application for ex parte stay and office report)

T.P.(C) No. 866 of 2013
[KAMALINI RAMAKANT PAIGUINKAR & ORS. V. UNION OF INDIA & ORS.]
(With application for ex parte stay and office report)

T.P.(C) No. 869 of 2013
[M.S BADDRUDINHASSAINBHAI MAVANI V. UNION OF INDIA & ORS.]
(With application for ex parte stay and office report)

Date: 17/09/2013 These Petitions/Applications were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

AMICUS CURIAE

Mr. Harish N. Salve, Sr. Adv. (NP)
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For Petitioner (S)
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Mr. Pranav Sachdeva, Adv.

In WP 99 Mr. Amit Sharma, Adv.
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In Rest of the TPs Mr. K.K. Venugopal, Sr. Adv.
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Mr. Pratap Venugopal, Adv.
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Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In TP 1441 Mr. Yashraj Singh Deora, Adv.

In TP 574 For M/s Mitter & Mitter Co., Advs.

In TP 1186 Mr. Ranjit Kumar, Sr. Adv.
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Mr. Santosh Paul, Adv.
Mr. Arvind Gupta, Adv.
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For Applicant (s)
In IA 1, 35 & 76
Goa Foundation Mr. Prashant Bhushan, Adv.
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Mr. Pranav Sachdeva, Adv.

In IA 3
Goa Mining Labour Mr. Colin Gonsalves, Sr. Adv.
Welfare Union Ms. Jubli Momalia, Adv.

Ms. Jyoti Mendiratta, Adv.

In IA 5 & 6
M/s HL Nathurmal

Mr. Amit Sharma, Adv.
Mr. Kunal A. Cheema, Adv.

In IA 7 & 8
Goa Mining Assn.

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Mr. Pratap Venugopal, Adv.
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Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Adv.

In IA 10 & 72
Sesa Goa Ltd.

Mr. Mukul Rohtagi, Sr. Adv.
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Ms. Meenakshi Chatterjee, Adv.
Mr. Jayant Mohan, Adv.

In IA 11, 12 & 60
Cose Costa & Sons

Ms. Kiran Suri, Sr. Adv.
Mr. S.J. Amith, Adv.
Mr. Nakibur Rahman Barbhuiya, Adv.
Ms. Ritika Gambhir, Adv.
Dr. (Ms.) Vipin Gupta, Adv.

In IA 13, 14 & 59
Sociedade Timblo
Irmaos Limitada
-

Mr. Yashraj Singh Deora, Adv.
Ms. Anupama Dhurve, Adv.
Mr. Abhishek Puri, Adv.

Mr. Parag Rao, Adv.
Ms. Swati Kamat, Adv.
For M/s. K.J. John & Co., Adv.

In IA 15 & 16

Ms. Triveni Poteker, Adv.
Mr. Chandra Shekhar Ashri, Adv.

In IA 17 & 18

Mr. K.K. Venugopal, Sr. Adv.
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Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.

In IA 19, 20 & 21
Salvia Oliver
Rodrigues

Mr. Shikhil Suri, Adv.
Mr. Shiv Kumar Suri, Adv.
Mr. Chandrika Prasad Mishra, Adv.

In IA 22 & 77
Sudip N. Tamankar

Mr. Shikhil Suri, Adv.
Mr. Shiv Kumar Suri, Adv.
Mr. Chandrika Prasad Mishra, Adv.
For Mr. P.V. Yogeswaran, Adv.

In Ias 23-33

Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Adv.

In IA 38
Dr. Prafulla R.

Mr. M.N. Krishnamani, Sr. Adv.
Mr. Bhavani Shankar Gadnis, Adv.

Hede Mr. A. Venayagam Balan, Adv.

In IAs 39-40 Mr. K.K. Venugopal, Sr. Adv.-
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 41, 71 & 72
M/s. Bandekar Bros Pvt. Ltd. Mr. C.A. Sundaram, Sr. Adv.
Mr. Parijat Sinha, Adv.
Ms. Reshmi Rea sinha, Adv.
Mr. Anil Kumar Mishra, Adv.
Mr. S.C. Ghosh, Adv.

In IA 42
M/s Madachem Bat Mines Pvt. Ltd. Mr. Parijat Sinha, Adv.

In IA 43 & 44
Village Panchayat of Kirlapal-Dabal & Ors. Ms. Madhu Sikri, Adv.

In IA 45
M/s Baddruddin Hussainbhai Mavani Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
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Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Advs.

In IA 46
Kamalini Ramakant Painguinkar & Ors. For M/s. KJ John & Co., Advs.

In IA 47-
Pandurang Timblo Inds. & Anr. Mr. Ranjit Kumar, Sr. Adv.
Mr. Nitin Sardesai, Adv.
Mr. Santosh Paul, Adv.
Mr. Arvind Gupta, Adv.
Mr. Piyush Sharma, Adv.
Mr. Harish Pandey, Adv.

In IA 48 & 49
Rajesh P. Timblo Mr. Rohit M. Alex, Adv.
Mr. P.S. Sudheer, Adv.
Mr. Rishi Maheshwari, Adv.
Mr. Anshul Gupta, Adv.

In IA 50
M/s Sarda Energy & Minerals Ltd. Mr. Shivam Sharma, Adv.
Mr. Mohan Pandey, Adv.

In IA 51
M/s Noor Mohd. Abdul Karim & Anr. For M/s. K.J. John & Co., Advs.

In IA 52
Ramesh Sajo Gauns & Ors. Mr. Shikhil Suri, Adv.
Mr. Shiv Kumar Suri, Adv.
Mr. Chandrika Prasad Mishra, Adv.

In IA 53
Girish M. Mr. Sriram Parakkat, Adv.
Mr. Ishaan George, Adv.

Tendulkar & Ors. Mr. Vishnu Shankar Jain, Adv.
Ms. Sudha Gupta, Adv.

In IA 54
Gomantak Inv.
Pvt. Ltd. Mr. E.C. Agrawala, Adv.

In IA 55 & 56
Damodar Mangalji
& Co. Ltd. Mr. E.C. Agrawala, Adv.

In IA 57
Geetabala Manohar Mr. Dhruv Mehta, Sr. Adv.
Naik Parulekar Mr. Yash Raj Deora, Adv.
Ms. Jayashree Wad, Adv.
Mr. Ashish wad, Adv.
Ms. Tamali Wad, Adv.
Ms. Kanika Baweja, Adv.
Ms. Niharika Bapna, Adv.
For M/s J.S. Wad & Co., Advs.

In IA 58
Ana Berta Do
Rego E. Fernandes For M/s K.J. John & Co., Advs.

In IA 61 & 62 Mr. Dhruv Mehta, Adv.
G.N. Agrawal Mr. Yashraj Singh Deora, Adv.
Mr. M.P. Jha, Adv.

In IA 63, 64 & 65 Mr. C.A. Sundaram, Sr. Adv.
Chowgule & Co. Mr. Sumit Goel, Adv.
Pvt. Ltd. Ms. Sarab Jot Walia, Adv.
For M/s Parekh & Co., Advs.

In IA 66 & 67 Mr. R.A. Dada, Sr. Adv.
Hardesh Ores Mr. Rajesh Kumar, Adv.
Pvt. Ltd. Ms. Anupama Dhurve, Adv.
Mr. Abhishek Puri, Adv.
Mr. Mohit Abraham, Adv.

In IA 68
Goa Mining
Foundation For M/s. K.J. John & Co., Advs.

In IA 69 & 70
Timblo Enterprises Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Varun singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 74
Crisna Mucunda
Camotim For M/s. K.J. John & Co., Advs.

In IA 75
Jaisinh Maganlal For M/s K.J. John & Co., Advs.

In IA....
(Filed on 17.09.2013)
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& Bros P. Ltd. Dr. (Ms.) Vipin Gupta, Adv.
Mr. S.J. Amith, Adv.
Ms. Ritika Gambhir, Adv.
Mr. Nakibur Rahman Barbhuiya, Adv.

In IA 2580 & 2669

For M/s. Parekh & Co., Advs.

For Respondent (s)
State of Goa

Mr. Arvind Datar, Sr. Adv.
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Mr. Pawan Kumar Bansal, Adv.
Mr. T. Mahipal, Adv.

Union of India

M/o Env. & Forests

Mr. Rakesh Kumar Khanna, ASG.
Mr. K. Radhakrishnan, Sr. Adv.
Ms. Asha G. Nair, Adv.
Ms. Kiran Bhardwaj, Adv.
Ms. Seema Rao, Adv.
Mr. Anirudh Tanwar, Adv.
Ms. Gunwant Dara, Adv.
Ms. Sukhbeer Kaur Bajwa, Adv.
Mr. D.S. Mahra, Adv.

Union of India

M/s Mines & Min.

Mr. Mohan Parasaran, SG.
Mr. Ritin Rai, Adv.
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Mr. Shreekant N. Terdal, Adv.

RR 5

Mr. Shridhar Y. Chitale, Adv.
Mr. Abhijat P. Medh, Adv.

RR 6-Goa Min. Lab. Mr. Colin Gonsalves, Sr. Adv.
Welfare Union Ms. Jubli Momalia, Adv.

Ms. Jyoti Mendiratta, Adv.

For RR 7-Chowgule
& Co. Pvt. Ltd.

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Ms. Sarab Jot Walia, Adv.
For M/s Parekh & Co., Advs.

For RR 8-HL Nathurmali

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For RR 9-Goa Min.
Assn. Soc.

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Mr. Pratap Venugopal, Adv.
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Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. KJ John & Co., Advs.

For RR 10- M/s
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Mr. Mukul Rohtagi, Sr. Adv.
Mr. Ninad Laud, Adv.
Ms. Meenakshi Chatterjee, Adv.
Mr. Jayant Mohan, Adv.

For RR 11-Cosme
Cose Costa & Sons

Ms. Kiran Suri, Sr. Adv.
Mr. S.J. Amith, Adv.
Mr. Nakibur Rahman Barbhuiya, Adv.
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For RR 12- Socie.
Tim.Irmaos Lim.

Ms. Anupama Dhurve, Adv.
Mr. Abhishek Puri, Adv.

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Pvt. Ltd.

Mr. Parijat Sinha, Adv.
Ms. Reshmi Rea sinha, Adv.
Mr. Anil Kumar Mishra, Adv.
Mr. S.C. Ghosh, Adv.

For RR 30 -
Dr. Prafulla
Hede

Mr. M. N. Krishnamani, Sr. Adv.
Mr. Mr. Bhavani shankar Gadnis, Adv.
Mr. A. Venayagam Balan, Adv.

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

Mr. Prashant Bhushan learned counsel for the petitioner commenced his arguments at 10:45 a.m. and was on his legs when the Court rose for the day leaving the matters part-heard.

[KALYANI GUPTA]
COURT MASTER

[G. SUDHAKARA RAO]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER