

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, in
tervention, interim Relief, impleadment, modification, stay/direction, clarification of Court's
s order, permission to file additional affidavit and office report)

WITH
WRIT PETITION) NO. 99/2013
M/S H.L. NATHURMAL V. UNION OF INDIA AND ORS.]
(With application for ex parte stay, directions and office report)

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

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

T.C. No..... @ 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 office report)

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

T.C. No..... @ 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 office report)

T.C. No..... @ 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.C. No..... @ 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.C. No..... @ 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.C. No..... @ 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)

WRIT PETITION) NO. 184 of 2013
[RAJESH P. TIMBLOO V. UNION OF INDIA & ORS.]
(With application for permission to file additional documents and office report)

IA NO. 1000 with 982-984, 1026-1028, 1123-1124, 1197-1199, 1210-1211, 1250-1251 and 1512 in 88
7 with 1992 in WP(C) No. 202 of 1995
[T.N. GODAVARMAN THIRUMULPAD V. UNION OF INDIA & ORS.]
(For directions, recommendation of CEC, impleadment and exemption from filing official translation)

SLP(C)... CC 6594/2007
[STATE OF M.P., DEPTT. OF MINR. RES. TR. OIC. V. RAJEEV GOSWAMI & ORS.]
(With application for condonation of delay in filing SLP and office report)
WITH
IA Nos. 170-175 in WP(C) NO.460/2004
[GOA FOUNDATION V. UNION OF INDIA]
(For direction and impleadment)

IA NOS. 176-178 in WP(C) NO.460/2004
[GOA FOUNDATION V. UNION OF INDIA]
(For impleadment, direction, permission to file additional documents)

Date: 03/10/2013 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)

Mr. Uday Umesh Lalit, Sr. Adv. (NP)

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Mr. Siddharth Chowdhury, Adv.

Mr. M.K. Jiwrajika, Member Secretary
Central Empowered Committee

For Petitioner (S) Mr. Prashant Bhushan, Adv.
In WP 435 Ms. Norma Alvares, Adv.
Mr. Pranav Sachdeva, Adv.

In WP 99 Mr. Amit Sharma, Adv.
Mr. Kunal A. Cheema, Adv.

In WP 184 Mr. Rohit M. Alex, Adv.
Mr. P.S. Sudheer, Adv.
Mr. Rishi Maheshwari, Adv.
Mr. Anshul Gupta, Adv.

In Rest of the TPs Mr. K.K. Venugopal, Sr. Adv.
Mr. Chander Uday Singh, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Rayan, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In TP 1441Mr. R.A. Dada, Sr. Adv.
Mr. Yashraj Singh Deora, Adv.

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

In TP 1186 Mr. Ranjit Kumar, Sr. Adv.
 Mr. Nitin Sardesai, Adv.
Mr. Santosh Paul, Adv.
Mr. Arvind Gupta, Adv.
Mr. Piyush Sharma, Adv.
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Mr. Sanmit Bodke, Adv.
Mr. Harish Pandey, Adv.

For Applicant (s)
In IA 1, 35 & 76
Goa Foundation Mr. Prashant Bhushan, Adv.
Ms. Norma Alvares, Adv.
Mr. Pranav Sachdeva, Adv.

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

In IA 5 & 6Mr. Amit Sharma, Adv.
M/s HL Nathurmalmr. Kunal A. Cheema, Adv.

In IA 7 & 8
Goa Mining Assn.Mr. K.K. Venugopal, Sr. Adv.
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Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
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Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
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In IA 10 & 72Mr. Mukul Rohtagi, Sr. Adv.
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Ms. Meenakshi Chatterjee, Adv.
Mr. Jayant Mohan, Adv.

In IA 11, 12 & 60Ms. Kiran Suri, Sr. Adv.
Cose Costa & Sons Mr. S.J. Amith, Adv.
Mr. Nakibur Rahman Barbhuiya, Adv.
Ms. Ritika Gambhir, Adv.
Dr. (Ms.) Vipin Gupta, Adv.

In IA 13, 14 & 59Mr. R.A. Dada, Sr. Adv.
Sociedade TimbloMr. Yashraj Singh Deora, Adv.
Irmaos LimitadaMs. Anupama Dhurve, Adv.
Mr. Abhishek Puri, Adv.
Mr. Parag Rao, Adv.
Ms. Swati Kamat, Adv.
Mr. Linette Rodrigues, Adv.
For M/s. K.J. John & Co., Advs.

In IA 15 & 16Ms. Triveni Poteker, Adv.
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In IA 17 & 18Mr. K.K. Venugopal, Sr. Adv.
Aleixo ManualMr. Chander Uday Singh, Sr. Adv.
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Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.

In IA 19, 20 & 21 Mr. Shikhil Suri, Adv.
Salvia Oliver Mr. Shiv Kumar Suri, Adv.
Rodrigues Mr. Chandrika Prasad Mishra, Adv.

In IA 22 & 77 Mr. Shikhil Suri, Adv.
Sudip N. Tamankar 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.
Ramcanta Visnum, Mr. Chander Uday Singh, Sr. Adv.
Sociedade Sir Maha Mr. Pratap Venugopal, Adv.
Laxmi, Shaikh Ms. Surekha Raman, Adv.
Abdul Kuddus Mr. Varun Singh, Adv.
Com. Mineraria Pro. Ms. Meenakshi Chauhan, Adv.
Ltda. Bhanudas, Mr. Anuj Sarma, Adv.
Emco, Shashikala, Mr. Gaurav Nair, Adv.
Atchuta Visnum,
Rajaram Bandekar
Mines, Smt. Shakuntala
bai & Orient Goa

In IA 38 Mr. M.N. Krishnamani, Sr. Adv.
Dr. Prafulla R. Mr. Bhavani Shankar Gadnis, Adv.
Hede Mines Mr. A. Venayagam Balan, Adv.

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Motiram Data Mr. Chander Uday Singh, Sr. Adv.
Goundalkar Mr. Pratap Venugopal, Adv.
Ghanshyam Ms. Surekha Raman, Adv.
Sardesai 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 41, 71 & 72
M/s. Bandekar Bros Mr. C.A. Sundaram, Sr. Adv.
Pvt. Ltd. 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 Mr. C.A. Sundaram, Sr. Adv.
Mines Pvt. Ltd. Mr. Parijat Sinha, Adv.
Ms. Reshmi rea Sinha, Adv.
Mr. Anil Kumar Mishra, Adv.
Mr. S.C. Ghosh, Adv.

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

In IA 45 Mr. K.K. Venugopal, Sr. Adv.
M/s Baddruddin Mr. Chander Uday Singh, Sr. Adv.
Hussainbhai Mavani 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. KJ John & Co., Advs.

In IA 46

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

In IA 47

Pandurang Timblo Mr. Ranjit Kumar, Sr. Adv.
Inds. & Anr. Mr. Nitin Sardesai, Adv.
Mr. Santosh Paul, Adv.
Mr. Arvind Gupta, Adv.
Mr. Piyush Sharma, Adv.
Ms. Savita Singh, Adv.
Mr. Santosh S. Anurlekar, Adv.
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In IA 50 Mr. Braj Mishore Mishra, Adv.
M/s Sarda Energy Mr. Shivam Sharma, Adv.
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In IA 51

M/s Noor Mohd.
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Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
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In IA 52 Mr. Shikhil Suri, Adv.
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In IA 53 Mr. Sriram Parakkat, Adv.
Girish M. Mr. Ishaan George, Adv.
Tendulkar & Ors. Mr. Vishnu Shankar Jain, Adv.
Mr. Girish Tendulkar, Adv.
Ms. Sudha Gupta, Adv.

In IA 54 Mr. Ninad Laud, Adv.
Gomantak Inv. Ms. Aparna Singhal, Adv.
Pvt. Ltd. Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. E.C. Agrawala, Adv.

In IA 55 & 56 Mr. Ninad Laud, Adv.
Damodar Mangalji Ms. Aparna Singhal, Adv.
& Co. Ltd. Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.

Mr. E.C. Agrawala, Adv.

In IA 57

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Mr. Anupam Dhurve, Adv.
Ms. Jayashree Wad, Adv.
Mr. Ashish wad, Adv.
Ms. Tamali Wad, Adv.
Ms. Kanika Baweja, Adv.
Ms. Niharika Bapna, Adv.
Ms. Maria Fatima Noronha, Adv.
For M/s J.S. Wad & Co., Advs.

In IA 58

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Rego E. FernandesMr. 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.

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Mr. Yashraj Singh Deora, Adv.
Ms. Maria Fatima Noronha, Adv.
Mr. Abhishek Puri, Adv.
Mr. Anupam Dhurve, Adv.
Mr. M.P. Jha, Adv.

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Chowgule & Co.Mr. Sumit Goel, Adv.
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For M/s Parekh & Co., Advs.

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Mr. Mohit Abraham, Adv.

In IA 68

Goa Mining
FoundationMr. K.K. Venugopal, Sr. Adv.
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In IA 69 & 70

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Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co., Advs.

In IA 74

Crisna Mucunda
CamotimMr. 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.
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In IA 75

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For M/s K.J. John & Co., Advs.

In IA 78

Shantilal Kushaldas Ms. Kiran Suri, Sr. Adv.
& Bros P. Ltd. Dr. (Ms.) Vipin Gupta, Adv.
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Mr. Colin Gonsalves, Sr. Adv.
Ms. Jubli Momalia, Adv.
Ms. Juno Rahman, Adv.
Ms. Jyoti Mendiratta, Adv.

In IA NO. 1123-1124

Mr. Ranjit Kumar, Sr. Adv.
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M/o Env. & Forests Mr. Mohan Parasaran, SG.
Mr. Rakesh Kumar Khanna, ASG.
Mr. D.L. Chidananda, Adv.
Ms. Asha G. Nair, Adv.
Ms. Kiran Bhardwaj, Adv.
Ms. Seema Rao, Adv.
Mr. Ashwin Kumar D.S., Adv.
Mr. Anirudh Tanwar, Adv.
Ms. Gunwant Dara, Adv.
Ms. Sukhbeer Kaur Bajwa, Adv.
Mr. Shreekant N. Terdal, Adv.
Mr. D.S. Mahra, Adv.

Union of India

M/s Mines & Min. Mr. Mohan Parasaran, SG.
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Mr. D.L. Chidananda, Adv.
Mr. Shreekant N. Terdal, Adv.

RR 5 Mr. Shridhar Y. Chitale, Adv.
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RR 6-Goa Min. Lab. Mr. Colin Gonsalves, Sr. Adv.
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Ms. Jyoti Mendiratta, Adv.

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& Co.Pvt. Ltd.Mr. Sumit Goel, Adv.
Ms. Sarab Jot Walia, Adv.
For M/s Parekh & Co., Advs.

For RR 8-HL Nathurmal
Mr. Amit Sharma, Adv.
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Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
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For M/s. KJ John & Co., Advs.

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

For RR 11-Cosme Ms. Kiran Suri, Sr. Adv.
Cose Costa & Sons Mr. S.J. Amith, Adv.
Mr. Nakibur Rahman Barbhuiya, Adv.
Ms. Ritika Gambhir, Adv.
Dr. (Ms.) Vipin Gupta, Adv.

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For Rr No. 13
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For RR 14
For M/s Mitter & Mitter Co., Advs.

For RR 15-27Mr. K.K. Venugopal, Sr. Adv.
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Ms. Surekha Raman, Adv.
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Ms. Meenakshi Chauhan, Adv.
Mr. Anuj Sarma, Adv.
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For M/s. KJ John & Co., Advs.

For RR 28 -M/s.
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Ms. Reshmi Rea sinha, Adv.
Mr. Anil Kumar Mishra, Adv.
Mr. S.C. Ghosh, Adv.

For RR 30 -Mr. M. N. Krishnamani, Sr. Adv.
Dr. PrafullaMr. Mr. Bhavani shankar Gadnis, Adv.
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Mr. S.M. Walawaikar, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

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Ms. Surekha Raman, Adv.
Mr. Varun Singh, Adv.
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Mr. Anuj Sarma, Adv.
Mr. Gaurav Nair, Adv.
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Mr. Rameshwar Prasad Goyal, Adv.

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Mr. D.K. Garg, Adv.

Mr. Gaurav Agrawal, Adv.

Ms. Purnima Bhat Kak, Adv.

Mr. K. Parmeshwar, Adv.

Mr. K.L. Janjani, Adv.

Mr. Y. Rajagopal Rao, Adv.

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

Mr. C.U. Singh learned senior counsel continued the submissions from where Mr. K.K. Venugopal had left the previous day. Thereafter Mr. C.A. Sundaram, learned senior counsel made his submissions.

Mr. Rafique A. Dada addressed the Court from 2:15p.m. and was on his legs when the Court rose for the day leaving the matters part-heard.

List the matters for further hearing on 22nd October, 2013.

[KALYANI GUPTA]

COURT MASTER

[G. SUDHAKARA RAO]

COURT MASTER

[SHARDA KAPOOR]

COURT MASTER