

ITEM NO.1

COURT NO.7

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(Civil) No. 435/2012

GOA FOUNDATION

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With application for directions and office report)

Date : 14/08/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

AMICUS CURIAE

Mr. Harish N. Salve, Sr. Adv. (NP)

Mr. A.D.N. Rao, Adv.(A.C.)

Mr. Siddharth Chowdhury, Adv.(A.C.)

For Petitioner (S) Mr. Prashant Bhushan, A.O.R.  
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Ms. Neha Rathi, Adv.

For Applicant (s)  
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Mr. Pranav Sachdeva, Adv.  
Ms. Neha Rathi, Adv.

Goa Mining Labour  
Welfare Union Ms. Jyoti Mendiratta, A.O.R.

Goa Mining Assn. Mr. Pratap Venugopal, Adv.  
Ms. Surekha Raman, Adv.  
Ms. Niharika, Adv.  
Mr. Gaurav Nair, Adv.  
Mr. Purushottam K. Jha, Adv.  
For M/s. KJ John & Co., Advs.

Sesa Goa Ltd.	Mr. Kapil Sibbal, Sr. Adv. Mr. Huzefa Ahmadi, Sr. Adv. Mr. Ninad Laud, Adv. Mr. Abhijit Gosavi, Adv. Mr. Jayant Mohan, A.O.R. Mr. Karan Mathur, Adv.
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Sardesai                             Ms. Niharika, Adv.  
   Mr. Gaurav Nair, Adv.  
   Mr. Purushottam K. Jha, Adv.  
   For M/s. K.J. John & Co., Adv.

M/s. Bandekar Bros  
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M/s Madachem Bat  
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   Ms. Reshmi Rea Sinha, Adv.

Village Panchayat of  
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   Ms. Madhu Sikri, Adv.

M/s Baddruddin  
Hussainbhai Mavani               Mr. Pratap Venugopal, Adv.  
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Pandurang Timblo  
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   Mr. Harish Pandey, Adv.  
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M/s Sarda Energy & Minerals Ltd.	Mr. Shivam Sharma, Adv. Mr. Mohan Pandey, A.O.R. Mr. V.S. Pandey, Adv.
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Union of India  
M/o Env. & Forests Ms. Kiran Bhardwaj, Adv.  
Mr. Ajay Sharma, Adv.  
Mr. Shreekant N. Terdal, A.O.R.(NP)  
Mr. D.S. Mahra, A.O.R.(NP)

Union of India  
M/s Mines & Min. Ms. Kiran Bhardwaj, Adv.  
Mr. Ajay sharma, Adv.  
Mr. Shreekant N. Terdal, Adv.(NP)

RR 5 Mr. Abhijat P. Medh, A.O.R.

RR 6-Goa Min. Lab.  
Welfare Union Ms. Jyoti Mendiratta, A.O.R.

For RR 7-Chowgule  
& Co.Pvt. Ltd.  
For M/s Parekh & Co., A.O.R.

For RR 8-HL Nathurmali  
Mr. Amit Sharma, A.O.R.

For RR 9-Goa Min.  
Assn. Soc.  
Mr. Pratap Venugopal, Adv.  
Ms. Surekha Raman, Adv.  
Ms. Niharika, Adv.  
Mr. Gaurav Nair, Adv.  
Mr. Purushottam K. Jha, Adv.  
For M/s. KJ John & Co., Advs.

For RR 10- M/s  
Sesa Goa Ltd.  
Mr. Kapil Sibbal, Sr. Adv.  
Mr. Huzefa Ahmadi, Sr. Adv.  
Mr. Ninad Laud, Adv.  
Mr. Jayant Mohan, A.O.R.  
Mr. Abhijit Gosavi, Adv.  
Mr. Karan Mathur, Adv.

For RR 11-Cosme  
Cose Costa & Sons Dr. (Ms.) Vipin Gupta, A.O.R.

For RR 12- Socie.  
Tim.Irmaos Lim. Mr. Abhishek Puri, A.O.R.

For Rr No. 13  
Goa Barge Owners Assn.  
Ms. Triveni Potekar, Adv.  
Mr. Chandra Shekhar Ashri, A.O.R.

For RR 14  
Mr. Yash Raj Singh Deora, Adv.  
For M/s Mitter & Mitter Co., Advs.

For RR 15-27  
Mr. Pratap Venugopal, Adv.  
Ms. Surekha Raman, Adv.  
Ms. Niharika, Adv.  
Mr. Gaurav Nair, Adv.  
Mr. Purushottam K. Jha, Adv.  
For M/s. KJ John & Co., Advs.

For RR 28 -M/s.

Bandekar Bros  
Pvt. Ltd.

Mr. Parijat Sinha, A.O.R.  
Ms. Reshmi Rea Sinha, Adv.

For RR 30 -  
Dr. Prafulla  
Hede Mines

Mr. Mr. Bhavani Shankar Gadnis, Adv.  
Mr. A. Venayagam Balan, A.O.R.

Mr. Rameshwar Prasad Goyal, A.O.R.(NP)

For RR 31 & 32

Mr. Pratap Venugopal, Adv.  
Ms. Surekha Raman, Adv.  
Ms. Niharika, Adv.  
Mr. Gaurav Nair, Adv.  
Mr. Purushottam K. Jha, Adv.  
For M/s. KJ John & Co., Adv.

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

IA No. 85

Application is dismissed.

IA No. 87

Issue notice.

Learned Advocate General for the State of Goa,  
Mr. A.D.N. Rao, learned counsel for the Central  
Empowered Committee and Mr. Prashant Bhushan,  
learned counsel for the petitioner accept and waive  
formal notice.

Copy of the Report be furnished to the learned  
Advocate General, and counsel for the Central  
Empowered Committee, Petitioner and the Union of  
India.

They may also with the reply to the application

file their response to the Report of the Monitoring Committee as well as that of the Expert Committee.

The Report stated to have been filed by the State of Goa on 21<sup>st</sup> April, 2015 as reported by the learned Advocate General of Goa be taken on record if not already filed, directed to file forthwith.

Office Report also states that one of the members of the Expert Committee who was Former Principal Chief Conservator of Forests has forwarded a letter dated 5<sup>th</sup> January, 2015 stating that members fo the Expert Committee were not paid any monthly honorarium for more than a year as directed in our judgment dated 21<sup>st</sup> April, 2014.

Learned Advocate General for the State of Goa, however, stated that the payment in respect of other members was duly made and in so far as Mr. S. Parmeswarappa was concerned there was some dispute as to at what rate his last drawn pay is to be worked out. The State was awaiting further orders of this Court. In our order dated 11<sup>th</sup> November, 2013 in paragrap 13 we directed that the Members of the Expert Committee who were not in service on the date of the order would be entitled for last pay drawn along with daily allowance at the rate



applicable to the Secretary, Government of India apart from travel expenses as per actuals. We, therefore, direct that since S. Parmeswarappa was stated to have been holding office on par with the Joint Secretary of India as on the date of our order, his last drawn pay shall be worked out and paid to him as was payable to that of Joint Secretary or the last pay actually drawn by him whichever is higher along with other allowance as directed in our order dated 11<sup>th</sup> November, 2013.

The Central Empowered Committee, State of Goa, Ministry of Environment and Forests and the Union of India are also directed to file their affidavit as to how the direction contained in paragraphs 87 and 88 of our judgment dated 21<sup>st</sup> April, 2014 has been implemented/complied with. Such affidavits as well as response to the Report of the Expert Committee shall be filed by the parties within four weeks. Reply to the IA No. 87 shall also be filed within the said date.

List the applications thereafter.

[KALYANI GUPTA]  
COURT MASTER

[SHARDA KAPOOR]  
COURT MASTER

