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ITEM NO.301, 303, 305 COURT NO.6 SECTION PIL & XV
306-308, 310, 313, 314 &
MENTIONED MATTERS [MM2-MM6]

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

ITEM NO. 301
IA Nos. 1868, 2091, 2225-2227, 2380, 2568 and 2937 in WP(C) NO. 202/1995
[LAFARGE MATTER]

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

(Regarding implementation of the directions of the Hon"ble Court as
contained in Para-II guidelines to be followed in future cases of judgment
dated 6.7.2011)

ITEM No. 303
IA Nos. 1991 of 2007 and 3117 in 1991 in WP(C) No. 202 of 1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

(For directions and setting aside the Report dated 18.09.2008 of the
Central Empowered Committee)

Item No. 305
IA NOS. 3458-3460 in WP(C) No. 202/1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

(For impleadment, directions and exemption from filing official
translation)

Item No. 306
IA No. 3641 in WP(C) NO. 202/1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

(Report of Central Empowered Committee in Application No. 1352)
Item No. 307

IA No. 3676 in WP(C) No. 202/1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

(Report of Central Empowered Committee in Application No.1366)

Item No. 308
IA No. 3678 in WP(C) 202/1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

(Report of Central Empowered Committee in Application No. 1367)

Item No. 310

IA No. 3621 in WP(C) No. 202/1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

(For directions)

Item No. 313

IA No. 2695/2009 in WP(C) No. 202/1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

(For permission)

Item No. 314

IA Nos. 3622-3623 and 3679 and 3682 in IA Nos. 3622-3623 in WP(C) No.
202/1995

T.N. GODAVARMAN THIRUMULPAD Petitioner(s)

VERSUS

UNION OF INDIA & ORS Respondent(s)

(For permission, exemption from filing official translation, impleadment
and permission to file additional documents)

Item Nos. MM2-MM6

IA Nos. 2784 in WP(C)NO. 202 of 1995

(For modification of Court's order dated 12.12.1996)

IA Nos. 2822-2824, 2825, 2828 in WP(C)NO. 202 of 1995

(For directions)

IA Nos. 2782/2010, 2939-2940/2010 in 2782, 3023-3024/2011 with 2469,
3030/2011 and 3032/2011 in IA 2939-2940 in WP(C) NO.202 1995 with WP(C)
No.130 of 2011

(For permission)

IA Nos. 3683-3684 in WP(C) No.202/1995

(For directions and impleadment)

IA Nos. 2746-2748/2009 in WP(C) No. 202/1995, 2862/2010, 2894-2895/2010,
2941/2010 in 2746-2748 of 2009, 3629 of 2013 in 2746-2748

(For directions)

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

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE RANJAN GOGOI

AMICUS CURIAE

Mr. Harish N. Salve, Sr. Adv.
[Did not appear in IA NO. 3643-3644]

Mr. Siddhartha Chowdhury, Adv.

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

Mr. A.D.N. Rao, Adv.

For Petitioner(s)

Mr. P.K. Manohar, Adv.

For Applicant(s)

In IA No. 1868 etc. Mentioned by Mr. H. N. Salve, Sr. Adv.(AC)

In IA 3622-3623

Mr. M.Y. Deshmukh, Adv.
Mr. Yatin M. Jagtap, Adv.
Mr. Shrikant R. Deshmukh, Adv.

In IA 160

Mr. A. Mariarputham, Sr. Adv.
Ms. Aruna Mathur, Adv.
For M/s. Arputham Aruna & Co., Adv.

In IA 1991

Mr. G.K. Bansal, Adv.

In IA 3458-3460

Mr. D.P. Chaturvedi, Adv.
Mr. Ravi Panwar, Adv.
Ms. Anuradha Mutatkar, Adv.

In IA 3117

Mr. Parth Tiwari, Adv.
Mr. Dharmendra Kumar Sinha, Adv.

In IA 3641

Mr. Milind Kumar, Adv.

In IA 3676

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

In IA 3678

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

IA 2695

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

In IA 3621

Mr. Manohar Lal Sharma, Adv.
Ms. Suman, Adv.
Mr. Nitin Kumar Thakur, Adv.

In IA 2784

Mr. R. Balasubramaniam, Adv.
Ms. G. Indira, Adv.
Mr. K.V. Jagdishvaran, Adv.

In IA 2822-2824,
2825, 2828

Ms. Aruna Gupta, Adv.

in IA 2939-2940 & 2469

Mr. S.B. Upadhyay, Sr. Adv.
Ms. Sharmila Upadhyay, Adv.

In IA 3683-3684

Mr. P.S. Patwalia, Sr. Adv.
Mr. Saket Sikri, Adv.
Mr. Keshav Thakur, Adv.
Ms. Ranjeeta Rohtagi, Adv.

In IA 3629 in 2746-2748

MR. Ajit Kumar Sinha, Sr. Adv.
Mr. T. Harish Kumar, Adv.

For Respondent(s) Mr. Mohan Parasaran, SG.
(in Lafarge Matter) Mr. Harris Beeran, Adv.
For MOEF Mr. Mushtaq Salim, Adv.

For UOI Mr. Mohan Jain, ASG.
Mr. D.K. Thakur, Adv.
Ms. Manita Verma, Adv.
Mr. Syed Tanweer Ahmad, Adv.
Mr. Shreekant N. Terdol, Adv.
Mr. D.S. Mahra, Adv.
Mr. B.V. Balaram Das, Adv.

For CPCB Mr. Vijay Panjwani, Adv.

In IA 3683-84 Mr. S.P. Singh, Sr. Adv.
Mr. Syed Tanweer Ahmad, Adv.
Ms. Namita Verma, Adv.
Mr. Shreekant N. Terdal, Adv.

For State of Arunachal Pradesh
Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

For State of Gujarat
Ms. Shubhada Deshpande, Adv.
Ms. Jesal, Adv.
Ms. Hemantika Wahi, Adv.

For State of Haryana
Mr. Manjit Singh, AAG.
Ms. Vivekta Singh, Adv.
Mr. Tarjit Singh, Adv.
Mr. Vinay Kumar, Adv.

For State of Jharkhand
Mr. Gopal Prasad, Adv.

For State of Himachal Pradesh
Mr. Surya Narayana Singh, AAG.
Ms. Pragati Neekhra, Adv.

For State of Madhya Pradesh
Mr. Saurabh Mishra, Adv.
Mr. Vikrant Singh Bais, Adv.

For State of Maharashtra
Ms. Asha G. Nair, Adv.
Mr. Abhishek Kumar Pandey, Adv.

For State of Meghalaya
Mr. Ranjan Mukherjee, Adv.
Mr. S. Bhowmick, Adv.
Mr. S.C. Ghosh, Adv.
Ms. Garima Bose, Adv.

For State of Nagaland
Mr. Edward Belho, Adv.
Ms. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Nimshim Washum, Adv.

For State of Odisha
Mr. Shibashish Mishra, Adv.
Mr. Suvinay Dash, Adv.

For State of Rajasthan

Dr. Manish Singhvi, AAG.
Mr. Amit Lubhaya, Adv.
Ms. Pragati Neekhara, Adv.

For State of UP

Mr. T.N. Singh, Adv.
Mr. Rajeev Dubey, Adv.
Mr. Abhishek Choudhary, Adv.

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

ITEM NO. 301

IA Nos. 1868, 2091, 2225-2227, 2380, 2568 and 2937 in WP(C) NO. 202/1995

[LAFARGE MATTER]

(Regarding implementation of the directions of the Hon'ble Court as contained in Para-II Guidelines to be followed in future cases of judgment dated 6.7.2011)

We have heard Mr. Harish N. Salve, the learned Amicus Curiae.

He submitted that as per the directions of this Court in Lafarge Umiam Mining Private Limited v. Union of India (2011) 7 SCC 338, the Regulator should have been put in place under Section 3(3) of the Environment (Protection) Act, 1986. Mr. Mohan Parasaran, the learned Solicitor General, prayed for four weeks' time to obtain instructions and apprise this Court as to when the direction of this Court will be complied with.

List these applications on 21st October, 2013.

ITEM No. 303

IA Nos. 1991 of 2007 and IA No. 3117 in IA NO. 1991 in WP(C) No. 202 of 1995

(For directions and setting aside the Report dated 18.09.2008 of the Central Empowered Committee)

List these applications on 30th September, 2013.

Counsel for the State of Himachal Pradesh will file an affidavit one week before 30th September, 2013.

Item No. 305

IA NOS. 3458-3460 in WP(C) No. 202/1995

(For impleadment, directions and exemption from filing official translation)

We call for a report from the Central Empowered Committee as well as reply from the State of Uttar Pradesh within a period of four weeks.

List thereafter.

Item No. 306

IA No. 3641 in WP(C) NO. 202/1995

(Report of Central Empowered Committee in Application No. 1352)

List the application on 30th September, 2013.

Item No. 307

IA No. 3676 in WP(C) No. 202/1995

(Report of Central Empowered Committee in Application No.1366)

The Report of the Central Empowered Committee has been received and Para 7 of this Report is extracted hereinbelow:

"After considering that the work relating to strengthening and repair of the existing Dam at Latada is in public interest, that the early repair of the Dam is essential, that there is no diversion of any sanctuary land and that the Standing Committee of the National Board of wildlife has recommended the proposal,

it is recommended that this Hon'ble court may consider permitting the strengthening and repair of the existing Dam at Latada situated at the boundary of Forest Block Sadri of Kumbhalgarh Wildlife Sanctuary, District Pali subject to the following conditions:-

(i) 5% of the estimated project cost will be deposited in the Compensatory Afforestation Fund for conservation and protection of the Kumbhalgarh Wildlife Sanctuary;

(ii) 10m² water will be reserved as live storage for wildlife habitat;

(iii) other conditions on which the Standing Committee of the National Board of Wildlife has cleared the proposal will be strictly complied with; and

(iv) any other condition stipulated by the Chief Wildlife Warden, State of Rajasthan will be strictly complied with."

We, therefore, dispose of this application permitting the applicant to strengthen and repair the existing dam at Latada situated at the boundary of the forest block Sadri of Kumbhalgarh wildlife Sanctuary, District Pali, Rajasthan subject to the conditions (I) to (iv) mentioned in para 7 of the Report of the Central Empowered Committee extracted above.

Report is accepted and application stands disposed of.

Item No. 308

IA No. 3678 in WP(C) 202/1995

(Report of Central Empowered Committee in Application No. 1367)

Para 5 of the Report of the Central Empowered Committee is extracted herein below:-

"After considering that the project is in public interest, the adverse impact of the project is containable with appropriate mitigative measures and that the project has been cleared by the Standing Committee of the NBWL, it is recommended that this Hon'ble Court may consider permitting the repair and recarpetting of the 5 kms long and 6.7 metres in width existing B.T. Road from MDR-111 (Baroni Shivar SWM Shyampura Bhuri Pahari Kurgaon) to Ranthambhore Fort in District Swaimadhampur, Rajasthan subject to the following conditions:-

(i) extension in the width of the existing road and/or felling of trees will not be permissible;

(ii) other conditions on which the Standing Committee of the NBWL has cleared the proposal will be strictly complied with; and

(iii) any other condition stipulated by the Chief wildlife Warden of the State of Rajasthan will be strictly complied with."

We, therefore permit the existing repair and recarpetting of 5 kms. Long and 6.7 metres width of the existing BT Road from MDR III (Baroni Shivar SWM Shyampura Bhuri Pahari Kurgaon) to Ranthambhore Fort in District Swaimadhampur, Rajasthan subject to conditions mentioned in sub paras (i), (ii) and (iii) of para 5 quoted above.

Report is accepted and application stands disposed of.

Item No. 310

IA No. 3621 in WP(C) No. 202/1995

(For directions)

We call for a Report from the Central Empowered Committee within a period of two weeks.

List this matter on 30th September, 2013.

Item No. 313

IA No. 2695 in WP(C) No. 202/1995

(For permission)

Para 5 of the Report of the Central Empowered Committee is

extracted herein below:-

"After considering that the construction of the above said five gravel roads is in public interest, no felling of trees is involved, no viable alternative is feasible and that these projects have been cleared by the Standing Committee of the National Board for Wildlife, it is recommended that this Hon'ble Court may consider permitting the use of the forest land falling in the Desert National park, Rajasthan for the construction of the five gravel roads subject to the following conditions:

- (i) for use of forest land approval under the Forest (Conservation) Act, 1980 will be obtained;
- (ii) the conditions, stipulated by the Chief Wildlife Warden, Rajasthan Forest Department will be complied with; and
- (iii) the NPV at the applicable rates for the use of the forest land falling in the National park will be deposited in the Compensatory Afforestation Fund."

Permission is granted to the applicant to use the forest land falling in the Desert National Park in the Jaisalmer District of Rajasthan for the construction of five gravel roads subject to the conditions in sub paras (i), (ii) and (iii) of Para 5 of the Central Empowered Committee's Report extracted hereinabove.

Item No. 314

IA Nos. 3622-3623 and 3679 and 3682 in IA Nos. 3622-3623 in WP(C) No. 202/1995

(For permission, exemption from filing official translation, implementation and permission to file additional documents)

Paras 4 and 5 of the Report of the Central Empowered Committee are extracted herein below:-

"4. The Project was considered by the Standing Committee of the National Board for Wildlife in its meeting held on 12th December, 2012 and has been recommended for approval subject to the following conditions:

- (i) minimum movement of the staff and vehicles of the user agency will be allowed to move in the Sanctuary area;
- (ii) no damage should be caused to flora and fauna of the said area by user agency and its establishment;
- (iii) the agency and or contractor will not use the area of the Sanctuary which is not included in this proposal for the movement transportation and any other purpose of the construction and maintenance of the transmission line;
- (iv) the land will not be liable to sale, transfer of the rights and privileges to any other agency;
- (v) the agency and/or contract will strictly follow the provisions under the Wildlife(Protection) Act;
- (vi) 5% of the cost of the cable line, which is passing through Wildlife Sanctuary, should be spent for wildlife conservation in the Wildlife Sanctuary area;
- (vii) the user agency should take full care and precaution for the construction of cable line so that no damage is caused to wildlife in the area; and

(viii) the agency will put a mechanism in place whereby the power will trip in case there is breakage in transmission so that animals do not get electrocuted.

5. After considering that the project is in public interest no viable alternative is feasible, the adverse impact of the project on the Wildlife Sanctuary is minimum and that the project has been cleared by the Standing Committee of the National Board for Wildlife it is recommended that this Hon'ble Court may consider permitting use of 63.2485 hectare of non-forest land falling in the Great Indian Bustard Wildlife Sanctuary in District Solapur, Maharashtra for laying 220 KV Lamboti (Solapur)-Tuljapur double circuit Transmission Line by Maharashtra State Electricity Transmission Co. Ltd. Subject to the following conditions:

- (I) use of forest land and/or felling of trees within

the Sanctuary will not be permissible;

(ii) the amount payable for use of non-forest land falling within the Sanctuary, as per this Hon'ble Court's order dated 28.3.2008 in NPV matter will be deposited in the Compensatory Afforestation Fund;

(iii) 5% of the estimated project cost for the portion of the Transmission Line passing through the Sanctuary i.e. Rs. 0.334 Crore will be deposited in the Compensatory Afforestation Fund;

(iv) the other conditions on which the project has been cleared by the Standing Committee of the National Board for Wildlife will be complied with; and

(v) any other conditions stipulated by the Chief Wildlife Warden will be complied with."

The Maharashtra State Electricity Transmission Company, applicant herein, is permitted to undertake the laying of the transmission lines 220 KVDC Tuljapur-Solapur-Lamboti electricity transmission line passing through the Great Indian Bustard Sanctuary, Maharashtra subject to the conditions mentioned in paras 4 and 5 of the Report of the Central Empowered Committee extracted above.

ITEM NOS. IA Nos. MM2-MM6

IA NO. 2784 in WP(C) No. 202/1995

(For modification of Court's order dated 12/12/1996 filed by Union Territory of Andaman and Nicobar Islands)

IA Nos. 2822-2824, 2825, 2828 in WP(C) NO. 202/1995

(For directions)

IA Nos. 2782/2010, 2939-2940/2010 in 2782, 3023-3024/2011 with 2469, 3030/2011 and 3032/2011 in IA 2939-2940 in WP(C) NO.202/1995 with WP(C) No.130 of 2011

(For permission)

IA Nos. 3683-3684 in WP(C) No.202/1995

(For directions)

IA Nos. 2746-2748/2009 in WP(C) No. 202/1995, 2862/2010, 2894-2895/2010, 2941/2010 in 2746-2748 of 2009, 3629 of 2013 in 2746-2748

(For directions)

List all these applications on 16th September, 2013.

|
|[KALYANI GUPTA]
|COURT MASTER

| | [SHARDA KAPOOR]
| | COURT MASTER