

ITEM NO.8

COURT NO.16

SECTION PIL-W

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Writ Petition (C) No.114/2014

COMMON CAUSE

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

[With (1) I.A. NOS. 113817, 113818/2023 AND 252362/2023 (APPLS. FOR IMPLEADMENT, DIRECTIONS AND ADDITIONAL DOCUMENTS ON B/O SUN ALLOYS & MINERAL LTD.) 2) I.A. NO. 42571/2023 (APPLN. FOR DIRECTIONS ON B/O PETITIONER) 3) I.A. NO. 123732/2023 IN I.A. NO. 42571/2023 (APPLN. FOR RECTIFICATION ON B/O STATE OF ODISHA) "ONLY" IN W.P.(C) NO. 114/2014 ARE LISTED. NAMES OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. PRASHANT BHUSHAN MR. GURMEET SINGH MAKKER MS. KIRTI R. MISHRA, MR. NAVEEN KR., MR. RAJ KUMAR MEHTA, ADVOCATES {TO BE TAKEN UP AT 2.00 P.M.} and IA No. 52963/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION]

Date : 28-11-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA  
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

Mr. A.D.N.Rao, Sr. Adv. (A.C.)  
Mr. Siddhartha Chowdhury, AOR  
Mr. Rahul Mishra, Adv.

For Petitioner(s) Mr. Prashant Bhushan, AOR  
Mr. Pranav Sachdeva, Adv.  
Mr. Jatin Bhardwaj, Adv.

For Respondent(s) Mr. Ramendra Mohan Patnaik, AOR  
Mr. Himinder Lal, AOR

Mr. Tushar Mehta, S.G.  
Mr. Vikramjeet Banerjee, A.S.G.  
Mrs. Aishwarya Bhati, A.S.G.  
Ms. Priyadarshini Priya, Adv.  
Mr. K V Shreemuthin, Adv.  
Mr. Apoorv Kurup, Adv.  
Mr. Rajesh Singh Chauhan, Adv.  
Mr. Atulesh Kumar, Adv.  
Mr. R R Rajesh, Adv.

Mr. Rajat Nair, Adv.  
Ms. Suhashini Sen, Adv.  
Mrs. Chitragda Rastaravara, Adv.  
Mr. Satya Jha, Adv.  
Ms. Sardamini Sharma, Adv.

Mr. S N Terdal, AOR

Mr. Mukesh Kumar Maroria, AOR

Dr. N. Visakamurthy, AOR

M/S. Karanjawala & Co., AOR  
Mr. Mukul Kumar, AOR  
Mr. Balaji Srinivasan, AOR

Mr. Naveen Kumar, AOR  
Mr. Shourajeet Chakravarty, Adv.  
Ms. Aprajita Bhardwaj, Adv.  
Mr. Nitesh Bhandari, Adv.  
Ms. Stuti Bisht, Adv.  
Mr. Prabhat Kr Rai, Adv.  
Ms. Nidhi Singh, Adv.  
Mr. Maitreya, Adv.  
Mr. Aditya Kumar Singh, Adv.  
Mr. Aditya Goyal, Adv.  
Mr. Bhaskar Bhushan, Adv.  
Mr. Ujjawal Kumar Rai, Adv.  
Ms. Esha Kumar, Adv.  
Mr. Utkarsh Chandra, Adv.

Mr. Raj Kumar Mehta, AOR  
Ms. Himanshi Andley, Adv.

Mr. Shibashish Misra, AOR

Mr. B. Krishna Prasad, AOR

Mr. Rameshwar Prasad Goyal, AOR

Mr. Sunil Kumar Jain, AOR

Ms. Movita, AOR

Mr. Mahesh Agarwal, Adv.  
Mr. E. C. Agrawala, AOR

M/S. Aura & Co., AOR

Mr. Tushar Mehta, Solicitor General  
Mrs. Kirti Renu Mishra, AOR

Mr. Lakshmi Raman Singh, AOR

Mr. Ashok Kumar Panda, Sr. Adv.  
Mr. Tejaswi Kumar Pradhan, AOR  
Mr. Manoranjan Paikaray, Adv.  
Mr. Shashwat Panda, Adv.

Mr. Gaurav Kejriwal, AOR  
Mr. Anmoldeep Singh, Adv.  
Mr. Vijay Jain, Adv.  
Mr. Happy Chaubey, Adv.

Mr. Sunil Dogra, Adv.  
Mr. Vivek Vishnoi, Adv.  
Mr. Abhishek Sharma, AOR

M/S. Khaitan & Co., AOR

Ms. Aishwarya Bhati, A.S.G.  
Mr. Gurmeet Singh Makker, AOR  
Ms. Saudamini Sharma, Adv.  
Mr. Chinmayee Chandra, Adv.  
Mr. Tarkeshwar Nath, Adv.  
Mr. Rajat Nair, Adv.  
Ms. Suhasini Sen, Adv.

Mr. Lakshmi Raman Singh, AOR  
Mr. Preshit Vilas Surshe, AOR

Mr. Naveen Kumar, AOR  
Mr. Shourajeet Chakravarty, Adv.  
Ms. Aprajita Bhardwaj, Adv.  
Mr. Nitesh Bhandari, Adv.  
Ms. Stuti Bisht, Adv.  
Mr. Prabhat Kr Rai, Adv.  
Ms. Nidhi Singh, Adv.  
Mr. Maitreya, Adv.  
Mr. Aditya Kumar Singh, Adv.  
Mr. Aditya Goyal, Adv.  
Mr. Bhaskar Bhushan, Adv.  
Mr. Ujjawal Kumar Rai, Adv.  
Ms. Esha Kumar, Adv.  
Mr. Utkarsh Chandra, Adv.

Mr. Hitendra Nath Rath, AOR  
Mr. Satyajit Mahanty, Adv.  
Mr. Soubhagya Ranjan Pati, Adv.  
Mr. Abhishek Choudhury, Adv.

M/S. Aura & Co., AOR  
Mr. Sandeep Devashish Das, AOR  
M/S. Khaitan & Co., AOR  
Mr. Ronak Karanpuria, AOR

Mr. Prashant Singh, AOR  
Mrs. Prerna Dhall, Adv.  
Mr. Piyush Yadav, Adv.  
Ms. Akanksha Singh, Adv.  
Ms. Pearl Sharma, Adv.

Mr. Nagendra Kasana, AOR  
Mr. Shrey Kapoor, AOR  
Mr. Gaurav Khanna, AOR  
Mr. Dhananjaya Mishra, AOR

Mr. Shovan Mishra, AOR

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

I.A. No. 113818 of 2023 and and 252362 of 2023

1. The instant applications are at the instance of M/s. Sun Alloys & Minerals Ltd. The applicant claims to be a mining leaseholder of Patmunda Manganese Mines over an area of 81.197 Ha. situated in Koira Circle, Sundergarh District, Odisha.
2. In course of hearing, learned counsel appearing for the applicant invites our attention to an order dated 11<sup>th</sup> October, 2023 issued by the Additional Secretary to the Government of Orissa, Steel and Mines Department and submits that the mining area has since been reduced to 43.532 hectares and that the prayer made in the application (I.A. No. 113818 of 2023) may be considered in that light.
3. The prayer is for an order allowing the applicant to resume its mining operations subject to having all the statutory clearances and complying with the provisions of law.
4. On the last occasion, Mr. Mehta, learned Solicitor General representing the State of Odisha was requested to ascertain whether the applicant has obtained all statutory clearances and complied with the provisions of law for

resumption of mining activities. Mr. Mehta submits that an affidavit has been filed on behalf of the State of Odisha wherein it is conceded that the applicant having and 252362 of 2023 deposited appropriate amount of compensation in consonance with the judgment and order dated 2<sup>nd</sup> August, 2017 of this Court while disposing of W.P.(C) No. 114 of 2014, the State Government has considered the case of the applicant and passed the following order:

“(i) The surrender of 37.665 ha. out of total area of 81.197 hectares applied by M/s. Sun Alloys and Minerals Limited, the lessee of the Patamunda Manganese Mines in Sundargarh district is accepted.

(ii) Patamunda Manganese Mining lease over the reduced area of 43.532 hectares is saved from lapsing under Rule 20(6) of M C Rules, 2016 with the condition that :

a) On obtaining all the statutory clearances, the lessee will be required to obtain the order for resumption of operation from the Hon’ble Supreme Court pursuant to the judgment dated 16.05.2014 in the matter of W.P.© No. 114/2014, Common Cause Vs. Union of India.

b) The lessee, on obtaining the above order for resumption, will be issued with the order of extension of validity of the lease and accordingly will have to execute the Supplementary Lease Deed under section 8A(3) of MMDR Act, 1957.

c) The lessee shall have to ensure that the compliance to the above conditions along with commencement of the production and dispatch in the lease is effected within one year from the date of issue of this order, on failure of which the mining lease shall lapse as per the proviso under Rule 20(6) of M.C Rules, 2016.”

5. Having regard to the aforesaid stand of the State of Odisha, we dispose of I.A. Nos. 113818/2023 and 252362 of 2023 by directing that appropriate steps in terms of the order reproduced above may be taken in accordance with law as early as possible.

6. I.A. No. 113817/2023 seeking impleadment is allowed to the extent of direction.

I.A. No. 52963/2024

6. The instant application is at the instance of Odisha Mining Corporation

Limited. The prayer in the said application reads as under:

“Permit the applicant i.e. Odisha Mining Corporation Ltd. to commence the Mining Operations in the Dubna-Sakradihi Iron & Manganese Ore Mines over 1332.019 Ha. in terms of order dated 16.05.2014 of this court in W.P. (C)No. 114 of 2014.”

7. An affidavit has since been filed by the State of Odisha. In paragraphs 3(g) and 3(h), 4 and 5 of such affidavit, the stand is as follows:

“3(g) The total Statutory Dues amounting to Rs. 207,29,73,8331 have also been deposited by the applicant.

(h) That the Applicant has obtained the following statutory clearances:

- (i) Consent to Establish (Letter dated 21.06.2022)
- (ii) Environmental Clearance (Letter dated 10.06.2022)
- (iii) Mining Plan Approval by IBM (letter dated 04.02.2020)
- (iv) Consent to Operate (Letter dated 05.10.2023)
- (v) Forest Clearance (Letter dated 31.07.2023)

4. That in view of the above facts the Lessee is entitled to get the benefit of the order dated 16.05.2014 of this Hon’ble Court till the expiry of its lease.

5. Moreover, in the meantime the lessee has deposited the compensation amount pursuant to the directions of this Hon’ble Court.”

8. In view of such stand of the State of Odisha, I.A. No. 52963/2024 stands disposed of by directing appropriate steps to be taken in terms thereof in accordance with law, as early as possible.

#### I.A. No. 42571 of 2023

9. An affidavit has been filed by the State of Odisha in the instant application some time in September, 2023 stating as follows:

“3. The status of the recovery of compensation as per orders of the Hon’ble Supreme Court is submitted below:

- 1. Total compensation assessed in respect of 133 nos. of Leases as per the orders of the Hon’ble Supreme Court is Rs.18526.47 Crores

2. Total compensation recovered in respect of 107 nos. of the Leases alongwith interest is Rs. 15561.19 Crores.
3. Balance compensation amount outstanding against 26 Leases excluding interest is Rs. 2965.28 Crores.”

10. This affidavit was followed by another affidavit dated 7<sup>th</sup> February, 2024 wherein the amount recovered as on the date of filing the affidavit is stated to be Rs.2745.77 crore excluding interest.

11. We require the State of Odisha to file a further affidavit, within a period of three weeks, indicating therein the quantum of compensation including interest, pending for recovery as on the date of such affidavit.

12. Re-list the Miscellaneous Application and all other pending applications listed today, in the 2<sup>nd</sup> week of January, 2025.

13. Name of Mr. Siddhartha Chowdhury, Advocate-on-Record who has been assisting Mr. A.D.N. Rao, Amicus Curiae be reflected in the record of proceedings and other documents.

**(RAJNI MUKHI)**  
**COURT MASTER (SH)**

**(SUDHIR KUMAR SHARMA)**  
**COURT MASTER (NSH)**