

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

Writ Petition(s)(Civil) No(s).114/2014

COMMON CAUSE

Petitioner(s)

VERSUS

UNION OF INDIA . & ORS.

Respondent(s)

((1) IA NOS. 40121/2019 AND 55390/2019 /2019 (APPLNS. FOR DIRECTIONS AND PERMISSION TO FILE ADDITIONAL DOCUMENTS ON B/O ESSEL MINING AND INDUSTRIES LTD.)(2) IA NO. 58796/2019 (APPLN. FOR DIRECTONS ON BEHALF OF D.R. PATNAIK)"ONLY" IN W.P.(C) NO. 114/2014 ARE LISTED."ONLY"; THE 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, ADVOCATE (A.C.)MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.)MR. PRASHANT BHUSHANMR. B.K. PRASADMR. GURMEET SINGH MAKKERMS. KIRTI R. MISHRAM/S KHAITAN AND CO.MR. SATYABRATA PANDA,MR. R.M. PATNAIK)

Date : 04-10-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE SURYA KANT

Counsel for the parties:

Mr. Prashant Bhushan, AOR

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Mr. Chinmayee Chandra, Adv.
Mr. Atulesh Kumar, Adv.
Mr. R.R. Rajesh, Adv.
Mr. Raj Bahadur, Adv.
Mr. Gurmeet Singh Makker, AOR

Mr. Ashok Kumar Panda, Sr. Adv.
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Mr. Manoranjan Paikaray, Adv.
Mr. Aniruddha Purushotham, Adv.

Mr. Preshit Vilas Surshe, AOR
Mr. Hitendra Nath Rath, AOR
Ms. Uttara Babbar, AOR
Mr. Sandeep Devashish Das, AOR
Mr. Shadan Farasat, AOR

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

I.A. No.40121/2019

This is an application filed on behalf of M/s. Essel Mining in which they have prayed that they may be permitted to resume mining since they have paid the entire amount of penalty and interest as per the judgment of this Court dated 02.08.2017 in Common Cause Vs. Union of India & Ors. The applicant has also got all clearances. This fact has been admitted in the reply by the State. However, the CEC in its report has stated that the permission should be restricted to only 134 hectares.

Mr. Mukul Rohatgi, Senior Advocate, states on instructions that without prejudice to the rights of his client, at this state, he restricts his claim to 134 hectares.

Mr. Prashant Bhushan, learned counsel submits that permission may not be granted because the question whether M/s. Essel Mining have gone beyond the maximum limit of 1000 hectares has been referred to the Commission comprising of Hon'ble Mr. Justice G.S. Singhvi and Hon'ble Mr. Justice A.R. Dave. That report is expected soon.

We make it clear that this order granting permission to Essel Mining will be subject to any observation which may made in the report of Hon'ble Mr. Justice G.S. Singhvi and Hon'ble Mr. Justice A.R. Dave. We, after considering the report and hearing the parties, shall decide whether to vacate this order or not.

Interlocutory application is disposed of accordingly.

I.A. No.58796/2019

Since the petitioner has paid the entire money due and he has all permissions as admitted by the State, the application is allowed.

**(ARJUN BISHT)
COURT MASTER (SH)**

**(RENU KAPOOR)
BRANCH OFFICER**