

ITEM NO.31

COURT NO.1

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

COMMON CAUSE

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(1) I.A. NOS. 220571, 229912, 242242 AND 252547/2023 (APPLS. FOR CONDONATION OF DELAY, IMPLEADMENT AND SEEKING PERMISSION TO PLACE ON RECORD ADDITIONAL DOCUMENT) 2) I.A. NOS. 113817, 113818/2023 AND 252362/2023 (APPLS. FOR IMPLEADMENT, DIRECTIONS AND ADDITIONAL DOCUMENTS ON B/O SUN ALLOYS & MINERAL LTD.) 3) I.A. No. 249622/2023 (APPL. FOR DIRECTIONS ON B/O MIDEAST INTEGRATED STEELS LTD.), IA No. 113818/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 249622/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 220571/2023 - CONDONATION OF DELAY IN MAKING DEPOSIT, IA No. 113817/2023 - INTERVENTION/IMPLEADMENT, IA No. 229912/2023 - INTERVENTION/IMPLEADMENT, IA No. 242242/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 12-01-2024 These applications were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Pranav Sachdeva, Adv.
Mr. Prashant Bhushan, AOR
Ms. Neha Rathi, Adv.
Mr. Debadutta Kanungo, Adv.

For Respondent(s) Mr. Rakesh Dwivedi, Sr. Adv.
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Mr. Ekalavya Dwivedi, Adv.
Ms. Sansriti Pathak, Adv.
Mr. Arijeet Pundri, Adv.
Mrs. Apurva Upmanyu, Adv.

Mr. Siddhartha Dave, Sr. Adv.
Mr. Naveen Kumar, AOR
Ms. Stuti Bisht, Adv.
Mr. Nitesh Bhandari, Adv.
Mr. Prabhat Kumar Rai, Adv.
Mr. Shourajeet Chakravarty, Adv.
Ms. Aprajita Bhardwaj, Adv.
Ms. Rashmi Priya, Adv.

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Ms. Chinmayee Chandra, Adv.
Mr. Tarkeshwar Nath, Adv.
Mr. Rajat Nair, Adv.
Ms. Suhasini Sen, Adv.

Mr. Vikramjeet Banerjee, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Ms. Priyadarshini Priya, Adv.
Mr. K V Shreemuthin, Adv.
Mr. Apoorv Kurup, Adv.
Mr. Rajesh Singh Chauhan, Adv.

Mr. Ashok Panigrahi, AOR
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Mr. Nabab Singh, Adv.
Mr. Dharmendar Singh, Adv.

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

M/S. Khaitan & Co., AOR

Mr. Ramendra Mohan Patnaik, AOR

Mr. Himinder Lal, AOR

M/S. Karanjawala & Co., AOR

Mr. Mukul Kumar, AOR

Mr. Balaji Srinivasan, AOR

Mr. Shibashish Misra, AOR

Mr. Raj Kumar Mehta, AOR

Mr. B. Krishna Prasad, AOR

Mr. Rameshwar Prasad Goyal, AOR

Mr. Gaurav Khanna, AOR

Mr. Dhananjaya Mishra, AOR

Mr. Shovan Mishra, AOR

Mr. Lakshmi Raman Singh, AOR

Mr. Preshit Vilas Surshe, AOR

Mr. Hitendra Nath Rath, AOR

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M/S. Aura & Co., AOR

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Mr. Ashok Panigrahi, AOR

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Mr. Nabab Singh, Adv.

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Mr. Shrey Kapoor , AOR

Mr. Shadan Farasat, AOR

Ms. Warisha Farasat, Adv.

Mr. Harshit Anand, Adv.

Mr. Aman Naqvi, Adv.

Ms. Hrishika Jain, Adv.

Ms. Natasha Maheshawari, Adv.

Ms. Mreganka Kukreja, Adv.

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

I.A. NOS. 220571, 229912, 242242, 252547/2023 and 8904/2024

- 1 We have heard Mr Siddhartha Dave, senior counsel appearing on behalf of the applicant, Mr Rakesh Dwivedi, senior counsel appearing on behalf of the State of Odisha and Mr ADN Rao, senior counsel appearing on behalf of CEC.
- 2 By its judgment dated 2 August 2017, this Court directed the recovery of compensation under Section 21(5) of the Mines and Minerals (Development and Regulation) Act 1957 from leaseholders including the applicant/lessee, who had unauthorisedly extracted mineral ore either without clearance or beyond the limit of production approved under the environment clearance and forest clearance on or before 31 December 2017.
- 3 By an order dated 4 December 2023, this Court directed a disclosure on the following aspects:
 - “6 The Additional Chief Secretary, Department of Mines of the Government of Odisha shall file an affidavit, after due verification, indicating as to whether the applicant has made full payment in terms of the order of this Court dated 2 August 2017. The affidavit shall also clarify as to whether the applicant has all necessary clearances for carrying out mining activities. The affidavit shall be filed within two weeks.”
- 4 An affidavit of compliance dated 12 December 2023 has been filed by the Additional Chief Secretary in the Department of Steel and Mines, Government of Odisha.
- 5 The State Government states that it had issued a notice dated 2 September 2017 in respect of Baitarini Iron Ore Mines raising a demand of Rs 93.79 crores

from the applicant.

- 6 In paragraphs 12 and 13 of the compliance affidavit, the position as regards the applicant has been set out thus:

“12. That as against the amount of compensation of Rs.93,79,56,821/- as demanded under section 21(5) of MMDR Act, 1957 towards production of minerals without or in excess of approved limited specified under EC and towards violation of FC, the amount of compensation paid by the lessee along with applicable interest in phases is to the tune of Rs.199,13,41,346/-...

13. That the petitioner lessee, in addition to Baitarani Iron ore mines, was granted two more iron ore mines namely Balita Iron ore mines and longani-jharan Iron ore mines, against which similar demand was raised for payment of compensation under section 21(5) of MMDR Act, 1957 and the petitioner lessee has cleared all the dues along with the applicable interest computed as above.”

- 7 The affidavit of the Additional Chief Secretary also records that a notice to show cause had been issued to the applicant to explain as to why a proceeding under Section 4A(4) read with Rule 20 of the Rules of 2016 should not be initiated.

- 8 The applicant has placed on the record an order dated 10 January 2024 passed by the Government of Odisha in the Steel and Mines Department. The order is in pursuance of the show cause notice which was referred to in the affidavit of the Additional Chief Secretary and, *inter alia*, contains the following directions:

“Baitarani Iron Ore mining lease over an area of 65.39 Hc in the district of Keonjhar of Dr. Sarojini Pradhan is saved from lapsing under rule 20(6) of MC Rules 2016.

The name of the lease holder is substituted with Shri Sunandan Pradhan who is the legal heir and PoA holder of the lessee.

The production and despatch from the lease should commence within one year from the date of issue of this order.

The lease is considered valid up to 27.07.2028 as per section 8A(3) of MMDR Act 1957.

Execution of the Supplementary Lease Deed by the lessee will be allowed on production of the revised order for resumption from the Hon'ble Supreme Court of India and on extension of the validity of the lease under section 8A(3) of MMDR Act 1957."

- 9 The above narration would make it clear that in pursuance of the notice to show cause, the applicant has made a total payment of Rs 199.13 crores, inclusive of interest as applicable. Moreover, the State Government has also passed orders on the show cause notice which was issued to the applicant as set out above.
- 10 In this view of the matter, the delay on the part of the applicant is condoned since the entire amount due has been paid over with applicable interest. The State Government shall now take necessary steps in accordance with law.
- 11 The IAs are accordingly disposed of.

I.A. NOS. 113817, 113818/2023, 252362/2023 and I.A. No. 249622/2023

- 12 List the IAs on 29 January 2024.

**(SANJAY KUMAR-I)
DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR**