

ITEM NO.15

COURT NO.2

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). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

INTERLOCUTORY APPLICATION FOR 20.02.2025 (THROUGH SUPPLEMENTARY LIST) "ONLY" [1] I. A. Nos. 118236 AND 129623 OF 2020 [Applications for Impleadment and Directions] IN RE : M/O AGRICULTURE AND FARMERS WELFARE IN RE : U.T. OF ANDAMAN AND NICOBAR ADMINISTRATION WITH I.A. No. 179389 OF 2018 [Application for Modification of Court's order dated 07.05.2002 in I. A. No. 502] AND I.A. No. 69399 OF 2021 [Application for permission to file Additional Affidavit] AND I.A. No. 144539 OF 2021 [Application for Intervention in I.A. No. 179389/2018] AND I.A. No. 13413 OF 2023 [CEC Report No. 2/2023 - Note filed by Member Secretary, CEC in I.A. No. 179389/2018] AND I.A. No. 217138 OF 2024 [Application seeking Extension of Time on behalf of MoEF & CC in I.A. No. 179389/2018] IN RE : U.T. OF ANDAMAN AND NICOBAR ADMINISTRATION AND [2] I.A. NO. 285881 OF 2024 (Application for Impleadment as Co-petitioners filed by Mr. Arun K. Sinha, Advocate) WITH I.A. NOS. 285829 & 285830 OF 2024 (Applications for Directions and Exemption from filing O.T. filed by Mr. Arun K. Sinha, Advocate) AND I.A. NO. 300603 OF 2024 (Application seeking Impleadment of the owner of the Land as Party Respondent filed by Mr. Arun K. Sinha, Advocate) IN RE : UDIT NARAYAN SONAKIYA & ANR. AND [3] I. A. NO. 268213 OF 2024 [Application for Impleadment] AND I. A. NO. 268214 OF 2024 [Application for Directions] IN RE : ALL INDIA KISAN SABHA & ANR. AND [4] I. A. NO. 37210 OF 2025 [Application for Directions] WITH I.A. NO. 44049 OF 2025 [Application for Impleadment] WITH I.A. NOS. 44311 & 44314 OF 2025 (Applications for permission to take on record Additional Documents and Exemption from filing O.T.) IN RE : MOHSINA C/O. MOHD IRFAN AND [5] I.A. NO. 156703 OF 2024 [Application for Impleadment filed by Mr. Shrey Kapoor, Advocate] AND I.A. NO. 156707 & 156710 OF 2024 [Application for Directions and Exemption from filing O.T. filed by Mr. Shrey Kapoor, Advocate] WITH I.A. NOS. 182429 & 182432 OF 2024 [Application for permission to file Additional documents and Exemption from filing O.T. filed by Mr. Shrey Kapoor, Advocate] AND I. A. NOS. 211378 & 211725 OF 2024 [Applications for Directions and Intervention in I.A. 58031, 58032 of 2024 filed by Ms. Parul Shukla, Advocate] AND I. A. NO.

245699 OF 2024 [Applications for Impleadment in I.A. 211378 & 211725 of 2024 in I.A. 58031 of 2024 filed by Ms. Aruna Gupta] AND I.A. NOS. 279970 & 279972 OF 2024 [Application for placing on record Addition Facts and documents and Exemption from filing English translation filed by Mr. Shrey Kapoor, Advocate] AND I.A. NO. 8102 OF 2025 [Application for Directions in I.A. No. 211378, 211725/2024 in I.A. 58031/2024 filed by Ms. Aruna Gupta, Advocate] MINING IN SARISKA IN RE : PAVAN SINGH IN RE : CHAND KANWAR IN RE : ANIL JATAV IN RE : M/S. RADHE GOVIND MARBLE AND [6] I. A. NOS. 234745 & 234762 OF 2024 [Applications For Directions and Exemption from filing O.T. filed by Ms. Aruna Gupta, Advocate] WITH I. A. NO. 234746 OF 2024 [Applications For Impleadment filed by Ms. Aruna Gupta, Advocate] AND I. A. NOS. 41535 & 41536 2025 [Applications for permission to file Additional Document and Exemption from filing O.T. filed by Ms. Aruna Gupta, Advocate] IN RE : RAJENDRA SINGH, POWER OF ATTORNEY HOLDER OF M/S. B. SEENIAH & CO. AND [7] I. A. NOS. 153500 & 153501 OF 2024 [Applications for Directions and Exemption from filing O.T. filed by Ms. Shibani Ghosh, Advocate] WITH I. A. NO. 153502 OF 2024 [Applications for Intervention filed by Ms. Shibani Ghosh, Advocate] IN RE : DR. DAYA SHANKAR SRIVASTAVA (SARANDA GAME SANCTUARY) AND [8] I. A. NOS. 31095, 31104, 31118 OF 2019 [Applications for Impleadment, Directions and Exemption from filing official translation] WITH I. A. NO. 59646 OF 2021 [Application for Exemption from filing O.T. in R/o Annexures filed by Mr. Sunny C, Adv.] AND [9] I.A. NO. 12465 OF 2019 [Application for Directions] WITH I. A. NO. 98194 OF 2019 [Application for permission to file Additional Documents In I.A. No. 12465/2019] AND I. A. NO. 127871 AND 127874 OF 2020 [Application for Intervention and Directions] AND I.A. NO. 44602 OF 2025 (CEC REPORT NO. 08/2025 - Report in I.A. No. 12465/2019 filed by the Divisional Commissioner, Nagpur Division, State of Maharashtra (ZUDPI Land) IN RE : ZUDPI LANDS, STATE OF MAHARASHTRA AND [10] I. A. NOS. 79569 AND 79576 OF 2019 [Applications for Intervention and Directions] WITH I. A. NOS. 159670 AND 159677 OF 2019 [Application for Exemption from filing Official Translation] WITH I. A. D. NOS. 14261 AND 14262 OF 2021 [Applications for Urgent Listing of I.A. Nos. 79569 and 79576/2019 and Exemption from filing duly Attested Affidavit] AND I. A. NOS. 40599 AND 40624 OF 2023 [Applications for Intervention and Modification of Court's order dated 12.05.2022] AND I. A. NO. 220675 OF 2023 [Application for Direction in I.A. No. 79576/2019] IN RE : SHRAMIK RICKSHAW CHALAK-MALAK SEVASANSTHA AND [11] I.A. NOS. 172422, 172425, 172427, 172429 OF 2024 [Applications for Impleadment as party Co-petitioner, Directions, Exemption from filing O.T., Seeking permission to Appear & Argue-in-person] WITH I.A. NO. 179359 OF 2024 [Applications for Ex Parte Ad-Interim Stay in I.A. No. 172422/2024] AND I.A. NOS. 290215 AND 290217 OF 2024 (Application for Impleadment and Directions filed by Mr. E.C. Agrawala, Advocate) IN RE : MR. GAURAV KUMAR BANSAL (APPLICANT-IN-PERSON) IN RE : INDIAN FOREST SERVICE ASSOCIATION (STATE UNIT) IN WRIT PETITION (CIVIL) NO. 202 OF 1995 (Under Article 32 of the Constitution of India) "ONLY" ARE LISTED IN W.P.(C) No. 202 OF 1995 "ONLY" ON 20.02.2025 (THROUGH SUPPLEMENTARY LIST) AND THE NAMES OF "ONLY" THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN

AGAINST THESE I.As. MR. HARISH N. SALVE, SR. ADV. [A.C.], MR. A.D.N. RAO, SR. ADVOCATE [A.C.], MS. APARAJITA SINGH, SR. ADVOCATE [A.C.], MR. SIDDHARTHA CHOWDHURY, ADVOCATE [A.C.] MR. K. PARAMESHWAR, SR. ADVOCATE [A.C.] MR. G.S. MAKKER, MR. S.N. TERDAL FOR S.NO. [1] MR. K. PARAMESHWAR (A.C.), MR. RAJ BAHADUR YADAV, MS. MRINAL ELKER MAZUMDAR, MR. RAJAT ARORA, MR. P.K. MANOHAR, MR. G.S. MAKKER FOR S.NO. [2] MR. K. PARAMESHWAR (A.C.), MR. ARUN K. SINHA, MR. ASHUTOSH KUMAR SHARMA (STATE OF UTTARAKHAND) FOR S.NO. [3] MR. K. PARAMESHWAR (A.C.), MR. RAJEEV SINGH FOR S.NO. [4] MR. K. PARAMESHWAR (A.C.), MR. VENKATA RAGHUVAMSY D. FOR S.NO. [5] MR. K. PARAMESHWAR (A.C.), MS. PARUL SHUKLA, MR. MILIND KUMAR, MR. SHREY KAPOOR, MS. ARUNA GUPTA, MS. NIDHI JASWAL FOR S.NO. [6] MR. K. PARAMESHWAR (A.C.), MS. ARUNA GUPTA, MS. NIDHI JASWAL (FOR STATE OF RAJASTHAN) FOR S.NO. [7] MR. K. PARAMESHWAR (A.C.), MS. SHIBANI GHOSH, MS. PALLAVI LANGAR, MR. G.S. MAKKER FOR S.NO. [8] MR. K. PARAMESHWAR (A.C.), MR. KRISHNA BALLABH THAKUR, MR. V. N. RAGHUPATHY (FOR STATE OF KARNATAKA), MR. SUNNY CHOUDHURY (FOR STATE OF MADHYA PRADESH), MR. AADITYA A . PANDE (FOR STATE OF MAHARASHTRA), MR. A.D.N. RAO, MR. G.S. MAKKER FOR S.NO. [9] MR. NISHANT R. KATNESHWARKAR, MR. AADITYA A. PANDE, MS. SRISHTI AGNIHOTRI (INTERVENOR) FOR S.NO. [10] MR. K. PARAMESHWAR (A.C.), MS. MISHA ROHATGI MOHTA, M/S. KARANJAWALA & CO., MR. KRISHNA BALLABH THAKUR, MR. T.R.B. SIVAKUMAR, MR. AADITYA A . PANDE (STATE OF MAHARASHTRA) FOR S.NO. [11] MR. K. PARAMESHWAR (A.C.), MR. GAURAV KUMAR BANSAL, MS. MRINAL GOPAL ELKER, MR. E.C. AGRAWALA

Date : 20-02-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

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Mr. Rishi Maheshwari, Adv.
Ms. Anne Mathew, Adv.
Mr. Bharat Sood, Adv.
Mr. Jai Govind M J, Adv.

Mr. Sunny Choudhary, AOR
Mr. Siddhartha Jha, AOR

Mr. Vinay Kumar Sah, Adv.
Mr. Sujeet Kumar, Adv.
Mr. Vishal Tiwari, Adv.
Dr. N.B. V Srinivasa Reddy, Adv.
M/S. V. Maheshwari & Co., AOR

Mr. Mayank Aggarwal, AOR
Mr. Pradeep Kumar Aggarwal, Adv.

Mr. Sanjeev Kumar, AOR

Mr. Abhishek Pandey, Standing Counsel, Adv.
Mr. Prashant Kumar Umrao, AOR

Mr. Omanakuttan K. K., AOR

Ms. Srishti Agnihotri, Adv.
Ms. Sanjana G. Thomas, Adv
Mr. D.P. Singh, Adv.
Ms. Tara Elizabeth Kurien, Adv.

Ms. Kunal Mimani, AOR

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

1. In these matter(s)/application(s), Mr. K. Parameshwar,
learned senior counsel has been rendering very valuable

services as the Amicus Curiae. Mr. K. Parameshwar, ably assisted by his juniors, Ms. Kanti and Mr. M.V. Mukunda, learned counsel, have been regularly assisting this Court in these matter(s)/application(s). The ground work for preparation of the note for hearing so also collating material from various sources requires significant time and efforts by the learned senior counsel as well as the counsels assisting him.

2. The valuable contributions of learned Amicus Curiae as well as the counsels assisting him cannot be measured in monetary terms. We, however, find that the learned Amicus Curiae and the learned counsels assisting him should be reimbursed notionally for their valuable services.

3. We, therefore, as a token, direct the Central Empowered Committee (CEC) to pay an amount of Rs.10,00,000/- (Rupees Ten Lakhs Only) to Mr. K. Parameshwar and Rs. 5,00,000/- (Rupees Five Lakhs Only) each to Ms. Kanti and Mr. M.V. Mukunda, for the services rendered by them.

4. We clarify that the amount is not at all commensurate with the services rendered by them, but is offered as a token. Additionally, we find it necessary to clarify that the amount be paid to them from the interest accrued on the Fixed Deposit Receipts held by the CEC.

[1] I. A. Nos. 118236 AND 129623 OF 2020 WITH I.A. No. 179389 OF 2018 AND I.A. No. 69399 OF 2021 AND I.A. No. 144539 OF 2021 AND I.A. No. 13413 OF 2023 AND I.A. No. 217138 OF 2024

List on 05.03.2025.

[2] I.A. NO. 285881 OF 2024 WITH I.A. NOS. 285829 & 285830 OF 2024 AND I.A. No. 300603 of 2024

1. The present applications have been filed by the applicant(s), who have a grievance that the construction by respondent Nos. 2 and 3 in IA No. 285881 of 2024 is in the buffer zone of Rajaji National Park situated at village Banas Talla, Kimsaar Road, Tehsil Yamkeshwar, District Pauri Garhwal, Uttarakhand.

2. In the reply affidavit filed by the State, it is stated that the construction is outside the notified boundary of the Rajaji National Park(s). It is further stated that though the Eco-Sensitive Zone (ESZ) has not been notified yet, assuming that the construction is situated in the ESZ area, the construction does not come in the prohibited category and that it is permissible under the guidelines outlined in the notification dated 17.05.2022 issued by the Ministry of Environment and Forest and Climate Change ("MoEF & CC" for short).

3. In that view of the matter, we are not inclined to entertain these applications. The applications are, therefore, rejected.

4. At this stage, it is brought to our notice that the ESZ for Rajaji National Park as well as for Jim Corbett National Park have not yet been finalized by the State of Uttarakhand.

5. Shri J. K. Sethi, Deputy Advocate General appearing for the State of Uttarkhand submits that the draft ESZ was sent to the Union of India, however, Union of India has sent it back to the State Government suggesting certain modifications and seeking certain clarifications.

6. We direct the State to complete the formalities qua ESZ of both Rajaji National Park and Jim Corbett National Park within a period of two weeks from today and report compliance to this Court on 05.03.2025.

[3] I. A. NO. 268213 OF 2024 AND I. A. NO. 268214 OF 2024

As prayed, list on 19.03.2025.

[4] I. A. NO. 37210 OF 2025 WITH I.A. NO. 44049 OF 2025 WITH I.A. NOS. 44311 & 44314 OF 2025

1. The application (IA No. 44049 of 2025) for impleadment is allowed.

2. The present application (IA No. 37210 of 2025) has been filed by the applicant(s) with a grievance that the illegal mining activities are still being continued within the prohibited area of one kilometer and various machinery, including the trucks, are still stationed within the

prohibited area which is a cause for significant concern.

3. Issue notice, returnable on 19.03.2025.

4. Mr. Shiv Mangal Sharma, learned A.A.G. appearing for the State accepts and waives notice on behalf of the State.

[5] I.A. NO. 156703 OF 2024 AND I.A. NO. 156707 & 156710 OF 2024 WITH I.A. NOS. 182429 & 182432 OF 2024 AND I. A. NOS. 211378 & 211725 OF 2024 AND I. A. NO. 245699 OF 2024 in I.A. 211378 & 211725 of 2024 in I.A. 58031 of 2024 AND I.A. NO. 8102 OF 2025 AND IA NOS. 279970 & 279972 OF 2024

List on 16.04.2025.

[6] I. A. NOS. 234745 & 234762 OF 2024 WITH I. A. NO. 234746 OF 2024 AND I. A. NOS. 41535 & 41536 2025

1. Learned counsel appearing for the applicant(s) submits that the applicant's representation for grant of mining lease was not considered on the ground that the issue is pending before this Court.

2. In response to a specific query to the learned counsel to show any document to that effect, the learned counsel states that the applicant was orally informed by the State authorities.

3. Ms. Aishwarya Bhati, learned Additional Solicitor General appearing for the State of Rajasthan submits that the present issue has nothing to do with the issue of mining in Aravalli Hills which is pending before this Court.

4. In that view of the matter, we are not inclined to entertain these applications. The applications are rejected

with a liberty to the applicant(s) to take recourse to appropriate remedy as may be permissible in law.

[7] I. A. NOS. 153500 & 153501 OF 2024 WITH I. A. NO. 153502 OF 2024

1. The issue in these applications pertains to Saranda Game Sanctuary in Saranda Forest Division.

2. In the affidavit dated 02.12.2024 filed by Mr. Aviroop Sinha, DFO Saranda, Van Bhawan, Chaibasa, it is stated that the Principal Chief Conservator of Forest Wildlife (PCCF-WL)-cum-Chief Wildlife Warden (CWLW), Jharkhand vide its Memo No. 1263 dated 29.11.2024 has moved a proposal to the Government of Jharkhand for declaration of "Saranda Wildlife Sanctuary" and "Sasangdaburu Conservation Reserve".

3. In paragraph 9 of the said affidavit, the details of the areas to be included in "Saranda Wildlife Sanctuary" admeasuring 575.1941 sq. kms. and the areas to be included in "Sasangdaburu Conservation Reserve" admeasuring 136.03806 sq. kms. have been given.

4. We expect the State of Jharkhand to take a final decision in that regard expeditiously.

5. List these applications on 16.04.2025.

[8] I. A. NOS. 31095, 31104, 31118 OF 2019 WITH I. A. NO. 59646 OF 2021

1. Vide earlier orders passed by this Court on 02.12.2013 and 02.11.2018, on the basis of the recommendation by CEC,

this Court has directed that wind energy projects be given benefit of paying only 50 per cent of the Net Present Value at the minimum rate. The Court has done for the reason that wind energy projects are eco-friendly.

2. The learned counsel for the applicant(s) submits that the applicant(s) is also entitled to the same benefit on the basis of parity.

3. The application is, however, opposed by Ms. Aishwarya Bhati, learned Additional Solicitor General for the Union of India on the ground that the Net Present Value collected is used for maintaining the ecological balance, inasmuch as the fund has to be utilized for plantation purposes.

4. Learned counsel for the State of Karnataka submits that, as a matter of fact, the applicant(s) is required to pay some dues to the State of Karnataka, which position is disputed by the learned counsel for the applicant(s).

5. We are, however, inclined to allow the application only on the ground of parity, inasmuch as this Court on two earlier occasions has granted benefits to the applicant(s) therein.

6. We, therefore, direct that MoEF&CC to carry out the calculation as to what amount is payable to the applicant(s).

7. We further make it clear that since the present application pertains to the year 2019, we are granting benefits to the applicant(s).

8. We clarify that no further application would be entertained by this Court for similar reliefs.

9. Needless to state that the MoEF&CC shall complete the exercise within a period of three months from today.

10. The applications are, accordingly, disposed of.

[9] I.A. NO. 12465 OF 2019 WITH I.A.NO.98194 OF 2019 AND I. A. NO. 127871 AND 127874 OF 2020 AND I.A. NO. 44602 OF 2025 (CEC REPORT NO. 08/2025 - Report in I.A. No. 12465/2019

As requested by learned counsel for the State, list on 05.03.2025.

[10] I. A. NOS. 79569 AND 79576 OF 2019 WITH I. A. NOS. 159670 AND 159677 OF 2019 WITH I. A. D. NOS. 14261 AND 14262 OF 2021 AND I. A. NOS. 40599 AND 40624 OF 2023 AND I. A. NO. 220675 OF 2023

1. Learned District Judge-1 and Additional Sessions Judge, Panvel-Raigad has submitted a report dated 13.08.2024.

2. Shri Sidharth Dharmadhikari, learned counsel appearing for the State submits that in view of report, it will be appropriate that the State undertakes the process of allotment of e-rickshaws afresh.

3. Shri Devdatt Kamath, learned senior counsel appearing for the applicant submits that the report is not based on correct appreciation of the material placed on record.

4. We are not inclined to accept the submission of Mr. Kamath, inasmuch as the report is prepared by a responsible

senior judicial officer.

5. As prayed, we grant two weeks' time to the State Government to come out with a proposal for revising the process of allotment of e-rickshaws.

6. List on 19.03.2025.

[11] I.A. NOS. 172422, 172425, 172427, 172429 OF 2024 WITH I.A. NO. 179359 OF 2024 AND I.A. NOS. 290215 AND 290217 OF 2024

As prayed, list these applications on 05.03.2025.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)