

ITEM NO.20

COURT NO.9

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**

Miscellaneous Application No. 18/2025 in W.P.(C) No. 114/2014

[Arising out of impugned final judgment and order dated 02-08-2017 in W.P.(C) No. No. 114/2014 passed by the Supreme Court of India]

COMMON CAUSE

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

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. SHIBASHISH MISRA, MR. NAVEEN KUMAR, MS. BHAVANA DUHOON, ADVOCATES

IA No. 25684/2023 - APPLICATION FOR PERMISSION

IA No. 147147/2018 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 69260/2019 - CLARIFICATION/DIRECTION

IA No. 115862/2024 - CLARIFICATION/DIRECTION

IA No. 77513/2024 - CONDONATION OF DELAY IN MAKING DEPOSIT

IA No. 69256/2019 - INTERVENTION APPLICATION

IA No. 77181/2024 - INTERVENTION/IMPLEADMENT

IA No. 98726/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 173514/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 120890/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 117098/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 76035/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 17-09-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) :By Courts Motion, AOR

Mr. Prashant Bhushan, AOR

Mr. Pranav Sachdeva, Adv.

For Respondent(s) : Mr. Himinder Lal, AOR

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 Ms. Chinmyee Chandra, Adv.  
 Mr. Tarkeshwar Nath, Adv.  
 Mr. Rajat Nair, Adv.  
 Ms. Suhasini Sen, Adv.  
 Mr. Rajbhadur Yadav, Aor, Adv.

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Mr. Mukul Kumar, AOR  
 Mr. Vishajit Malhotra, Adv.  
 Mr. Hitesh Kumar Sharma, Adv.  
 Mr. Amit Kumar Chawla, Adv.  
 Mr. Akhileshwar Jha, Adv.  
 Mr. Swati Vishan, Adv.  
 Mr. Javed Raza, Adv.

Mr. Balaji Srinivasan, AOR

Mr. Naveen Kumar, AOR  
 Mr. Prabhat Kumar Rai, Adv.  
 Mr. Aditya Goyal, Adv.  
 Mr. Ujjawal Kumar Rai, Adv.  
 Ms. Isha Baloni, Adv.  
 Mr. Utkarsh Chandra, Adv.  
 Mr. Sudhanshu Pathak, Adv.  
 Mr. Rishabh Chaudhary, Adv.  
 Ms. Sunanda Chowdhury, Adv.  
 Mr. Lakshay Singh, Adv.  
 Ms. Nidhi Singh, Adv.  
 Ms. Shrijeta Pratik, Adv.

Mr. Raj Kumar Mehta, AOR

Mr. Tushar Mehta, Solicitor General  
 Mr. Pitambar Acharya, Advocate General  
 Mr. Shibashish Misra, AOR  
 Mr. Manav Sabharwal, Adv.  
 Ms. Subashree Sen, Adv.  
 Mr. Ajit Parija, Adv.  
 Mr. Piyush Negi, Adv.

Mr. B. Krishna Prasad, AOR

Mr. Rameshwar Prasad Goyal, AOR  
 Ms. Mridula Singh, Adv.  
 Mr. Rajesh Singh, Adv.  
 Mr. Varun Varma, Adv.  
 Mr. Jatin Malik, Adv.

Mr. Dilip Kumar, Adv.  
Mr. Mani Pal Singh, Adv.

Mr. Sunil Kumar Jain, AOR  
Ms. Movita, AOR  
Mr. E. C. Agrawala, AOR  
M/S. Aura & Co., AOR  
Mrs. Kirti Renu Mishra, AOR  
Mr. Lakshmi Raman Singh, AOR

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

Mr. Gaurav Kejriwal, AOR

Mr. Sunil Dogra, Adv.  
Mr. Vivek Vishnoi, Adv.  
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Mr. Gurmeet Singh Makker, AOR  
Mr. Preshit Vilas Surshe, AOR

Mr. Sameer Kumar, AOR  
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Mr. Vaibhav Pachauri, Adv.

Mr. Naveen Kumar, AOR  
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Mr. Lakshay Singh, Adv.  
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Ms. Shrijeta Pratik, Adv.

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Mr. Vikas Kumar, Adv.  
Mr. Divakar Kumar, AOR

Mr. Hitendra Nath Rath, AOR

Mr. Tushar Mehta, Solicitor General  
Mr. Pitambar Acharya, Advocate General  
Mr. Shibashish Misra, AOR

Mr. Manav Sabharwal, Adv.  
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 Mr. Ayush P. Shah, Adv.

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 Mr. Aniruddha Purushotham, AOR  
 Ms. Supriya Barik, Adv.  
 Ms. Shradha, Adv.  
 Ms. Archana Kumari, Adv.

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 Ms. Shradha, Adv.  
 Ms. Archana Kumari, Adv.

Mr. Vikramjeet Banerjee, A.S.G.  
 Mrs. Aishwarya Bhati, A.S.G.  
 Mr. Apoorv Kurup, Adv.  
 Mr. K V Sreemuthin, Adv.  
 Mr. Rajesh Singh Chauhan, Adv.  
 Ms. Priyadarshini Priya, Adv.  
 Mr. Atulesh Kumar, Adv.  
 Mr. Rajeeva Ranjan Rajesh, Adv.  
 Mr. Rajat Nair, Adv.  
 Ms. Suhasini Sen, Adv.  
 Mrs. Chitrangda Rastravara, Adv.  
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 Mr. Ronak Karanpuria, AOR

Mrs. Prerna Dhall, Adv.  
 Mr. Ambuj Swaroop, Adv.  
 Mr. Kapil Katare, Adv.  
 Mr. Rajnandani Kumari, Adv.  
 Ms. Minakshi Pandey, Adv.  
 Mr. Prashant Singh, AOR  
 Mr. Sachin Kumar Anand, Adv.

**Mr. M.A. Chaudhary, Adv.**

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

**Mr. Shovan Mishra, AOR**  
**Ms. Bipasa Tripathy, Adv.**  
**Mr. Shlok Luthra, Adv.**

**Mr. Lakshmi Raman Singh, AOR**

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

IA Nos. 69256/2019, 69260/2019, 25684/2023, 98726/2022 and 120890/2025:

1. These applications are at the instance of Chandi Prasad Sharma. He claims to be a leaseholder in respect of a mine, for extraction of iron and manganese, spread over an area of 69.606 hectares of land in Village Raikela, Bhamba and Tensa, Sundergarh district, Odisha.

2. In terms of the provisions contained in the Mines and Minerals (Development And Regulation) Amendment Act, 2015, the Government of Odisha has been pleased to extend the validity period of the mining lease granted in favour of the applicant upto 16<sup>th</sup> April, 2036 by a letter bearing no. 3972/SM Bhubaneswar dated 28<sup>th</sup> April, 2022.

3. However, such extension is subject to the general conditions reading as follows:

- The extension of validity is without prejudice to any action under the provisions of the Environment (Protection) Act, Odisha Forest Act or any other law for the time being in force in respect of any violations committed by the lessee during the original period of lease or the period of deemed extension till the date of extension of validity period of lease.
- The extension of validity period of lease is subject to the final result/ outcome of Writ Petition (Civil) No.114/2014 (Common Cause -vs- Union of India and others) pending in Hon'ble Supreme Court of India.
- The extension is subject to condition that any terms and conditions of the original lease, if not complied so far, shall be complied by the lessee

within such period as may be specified by a competent authority and the lessee shall furnish an undertaking to such effect.

- The lease is subject to condition that the lessee shall not enter upon any forest of any category to which the provisions of the Forest (Conservation) Act, 1980 are applicable without previous sanction of the competent authority, not fell, cut and use any timber or trees without obtaining the sanction of that authority nor otherwise, than in accordance with such conditions as the State Government may prescribe.
- The lessee/lessees shall not undertake mining operations except under and in accordance to the approvals under the Forest (Conservation) Act, 1980 and the Environment (Protection) Act, 1986 and Rules framed there under.
- The lessee shall complete the prospecting operations in accordance with the provisions contained in letter dated 23.12.2010 of Ministry of Mines, Government of India within the time period specified therein and subsequent instructions, rules and regulations if any issued or that may be issued prescribing the timeline.
- The lessee shall carryout "regrassing in mining area after closure of mines", pursuant to the order dt. 14.01.2020 passed by the Ministry of Mines, Gol, consequent upon the order dt. 08.01.2020 of the Hon'ble Apex Court passed in W.P.(C) No. 114/2014.
- The resumption of mining operation will be permitted only on production of the valid statutory clearances by the concerned lessee. Further, the lease having been included in the list of R-2 of the report dated 25.04.2014 of Hon'ble Central Empowerment Committee, the lessee has to obtain the order from the Hon'ble Supreme Court in support of modification of their order dated 16.05.2014 in the matter of W.P.(C) 114/2014 Common Cause vs. Union of India & Others. The lessee shall execute the supplementary lease deed(s) for the extended period and the above conditions and undertakings shall form part of such deed.

4. We have also perused the counter affidavit of the State of Odisha where it has *inter alia* been pleaded that the extension granted to the applicant is subject to the applicant's obtaining all the requisite statutory clearances.

Paragraph 8 of the counter affidavit reads as follows:

"That while considering the case of the Applicant with regard to the lapsing of the lease in Village Raikela, Bhanaba and Tensa of Sundargarh District, the Respondent ascertained that the Applicant has already deposited the compensation amount demanded under Section 21(5) of the MMDR Act, 1957 for violation of EC/FC pursuant to the order dated 02.08.2017 of this Hon'ble Court along with the interest due on the same amount for delayed payment. Upon payment of the dues, the certificate proceeding initiated against the Applicant before the Collector, Sundargarh was closed by the Collector-cum-Certificate Officer vide order dated 12.11.2018 passed in Certificate Case No. 6/2018."

5. We have ascertained from the learned *amicus curiae* Mr. A.D.N. Rao that statutory clearances would include clearances, *inter alia*, from the

Environmental Department as well as the Forest Department of the State.

6. Mr. Pranav Sachdeva, learned counsel for the applicant submits that he has already obtained the following statutory clearances:

- i. Consent to Establish,
- ii. Environmental clearance,
- iii. Mining Plan Approval by IBM,
- iv. Consent to Operate, and
- v. Forest Clearance.

7. Mr. Acharya, learned Advocate General for Odisha submits that in the event all these clearances have been obtained, the applicant may place the same before the competent departmental officer of the Government of Odisha for verification.

8. If any clearance is yet to be obtained, steps in that behalf may also be taken by the applicant and after obtaining the requisite clearance, the same may be placed before the competent officer for verification, whereafter, appropriate action shall be taken to permit the applicant to resume mining activities in respect of the leasehold land which has been allotted in his favour.

9. With these observations/directions, all these applications are disposed of.

IA No. 115862 of 2024:

11. Mr. Pranav Sachdeva, learned counsel appearing for the applicant – Bikash Chandra Deb has drawn our attention to the order dated 27<sup>th</sup> February, 2023 passed by a coordinate Bench of this Court on the applicant's previous applications (IA Nos. 176881/2018, 176885/2018, 58179/2019, 108921/2019, 27655/2022 and 54184/2022 reading as follows:

“.....We notice the stand of Mr. Prashant Bhushan, learned counsel for

the petitioners that if over the iron ore mined vegetation has overgrown over the iron ore, fresh mining may have to be done. Learned counsel for the State would point that no fresh mining would be needed.

In such circumstances, we pass the following order.

A joint inspection which will involve the mining Department of the Respondent State and the applicant shall be held. Such joint inspection shall be held for the purpose of determining the quantity of iron ore as also the quality (the grade of the iron ore). After joint inspection is done, the applicant is given a period of four months from the date of joint inspection to carry out the sale of the iron ore in question. The sale will undoubtedly be conducted under the watchful gaze and control of the Officers of the respondent-State.

The amount realized from the sale of the iron ore in question shall be adjusted against the amount of penalty which has been assessed by proceedings dated 05.04.2018.

We make it clear that the entire amount from the sale of the iron ore in question will be deposited with the special purpose Vehicle (SPV). The balance amount remaining due shall be paid within a period of four months from the date of sale.

We make it clear that the State, in the meantime may initiate proceedings and continue with the same for auctioning the right to mine from the mine in question in accordance with law."

12. Learned counsel has then referred to the contents of paragraph 8 of the reply affidavit filed by the State of Odisha which *inter alia* reads as follows:

"8. That while considering the case of the Applicant with regard to the lapsing of the lease in Village Raikela, Bhanaba and Tensa of Sundargarh District, the Respondent ascertained that the Applicant has already deposited the compensation amount demanded under Section 21(5) of the MMDR Act, 1957 for violation of EC/FC pursuant to the order dated 02.08.2017 of this Hon'ble Court along with the interest due on the same amount for delayed payment. Upon payment of the dues, the certificate proceeding initiated against the Applicant before the Collector, Sundargarh was closed by the Collector-cum-Certificate Officer vide order dated 12.11.2018 passed in Certificate Case No. 6/2018."

13. It has been pointed out by learned counsel that although four months' time in terms of the order dated 27<sup>th</sup> February, 2023 was to be reckoned from the last joint inspection, the State of Odisha has reckoned four months from the first of the three dates of joint inspection, i.e., 20<sup>th</sup> December, 2023. It is urged that such an approach on the part of the State of Odisha is not in faithful

compliance of this Court's Order dated 27<sup>th</sup> February, 2023.

14. Learned Advocate General for the State of Odisha seeks three weeks' time to return with better instructions.

15. Time, as prayed, is granted. Relist the application on 14<sup>th</sup> October, 2025.

IA No. 147147 of 2018:

16. This application is at the instance of Kunal Kishore Dass.

17. Learned Advocate General for the State of Odisha seeks and is granted three weeks' time to file counter affidavit.

18. Rejoinder, if any, be filed within a week thereafter.

19. A 'Status Report' with regard to the recovery process initiated by the State together with the outcome of proceedings which were initiated shall be filed by the next date of hearing.

20. Learned Advocate General appearing for the State submits that in certain cases the recovery orders have been set aside by the High Court of Odisha at Cuttack. What is in contemplation of the State *qua* such orders will also be indicated in the Status Report that may be filed.

21. IA No. 264258, 167870 and 188333 of 2024 and Writ Petition No. 675 of 2025 be also listed on 14<sup>th</sup> October, 2025.

**(JATINDER KAUR)**  
**P.S. to REGISTRAR**

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