

ITEM NO.6

COURT NO.5

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. 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

[1] INTERLOCUTORY APPLICATION NO. 61370 OF 2021(CEC REPORT NO. 6 OF 2021)[APPLICATION FOR PERMISSION/DIRECTION] WITH INTERLOCUTORY APPLICATION NO. 107884 OF 2021 [APPLICATION FOR DIRECTIONS]AND INTERLOCUTORY APPLICATION NOS. 9110 AND 9113 OF 2022[APPLICATIONS FOR IMPEADMENT AND DIRECTIONS]AND INTERLOCUTORY APPLICATION NOS. 30853 AND 30858 OF 2022[APPLICATIONS FOR IMPEADMENT AND PERMISSION TO FILE OBJECTIONS]
IN WRIT PETITION (CIVIL) NO. 202/1995"ONLY" ARE LISTED IN W.P.(C) No. 202/1995 ALONG WITH
IA NOS. 100099 AND 100097 OF 2021 IN C.A NO. 12234-12235 OF 2018 WITH C.P.(c) NO. 938 OF 2021 "ONLY" ON 07.04.2022

WITH

CONMT.PET.(C) No. 938/2021 in C.A. No. 12234-12235/2018 (XVII)

C.A. No. 12234-12235/2018 (XVII)

(IA No. 100099/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 100097/2021 - INTERVENTION/IMPEADMENT)

Date : 07-04-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For the parties : By Courts Motion, AOR

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Ms. Aparajita Singh, Sr. Adv [A.C.]
Mr. Siddhartha Chowdhury, Adv [A.C.]

Ms. Srishti Agnihotri, AOR
Ms. Sanjana Grace Thomas, Adv.

Mr. Chanchal Kumar Ganguli, AOR

Mr. Balbir Singh, Ld. ASG
 Mr. D.L. Chidananda, Adv.
 Ms. Suhasini Sen, Adv.
 Ms. Archana Pathak Dave, Adv.
 Mr. Salvador Santosh Rebello, Adv.
 Mr. Shyam Gopal, Adv.
 Mr. Sughosh Subramanyam, Adv.
 Mr. G. S. Makker, AOR
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West Bengal

Mr. Suhaan Mukerji, Adv.
 Mr. Aditya Prakash, Adv.
 Mr. Nikhil Parikshith, Adv.
 Mr. Vishal Prasad, Adv.
 Mr. Abhishek Manchanda, Adv.
 Mr. Sayandeep Pahari, Adv.
 Mr. Tanmay Sinha, Adv.
 M/s. PLR Chambers And Co., AOR

Mr. Anil Kumar, Adv.
 Mr. Umang Tripathi, Adv.
 Mr. Kamal Mohan Gupta, AOR

Mr. Sanjay Upadhyay, Adv.
 Ms. Mayuri Raghuvanshi, AOR
 Mr. Eichoe Krishan, Adv.
 Mansi Bachani, Adv.

IA 6137/2021

Mr. Prashant Kumar, AOR
 Ms. Chery D'souza, Adv.

Haryana

Mr. Hari Om Yaduvanshi, Adv.
 Dr. Monika Gusain, AOR

Kerala

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 Ms. Anu K. Roy, Adv.
 Mr. Alim Anvar, Adv.

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 Mr. P. Srinivas Reddy, Adv.
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Mr. B. K. Pal, AOR
 Mr. Syed Mehdi Imam, AOR

Bihar

Mr. Saket Singh, Adv.
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 Ms. Somyashree, Adv.
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Mr. Sarvam Ritam Khare, AOR

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 Mr. Nishant Verma, Adv.
 Mr. Rajiv Kumar Sinha, Adv.
 Mr. Simanta Kumar, Adv.
 Mr. Sunil Saraogi, Adv.
 Mr. Sandeep kumar Sen, Adv.
 Mr. Narendra Kumar, AOR

Puducherry

Mr. Aravindh S., AOR
 Mr. C. Rubavathi, Adv.

IA 100097 & 99/21

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 Mr. Chander Uday Singh, Sr. Adv.
 Mr. Syed Jafar Alam, AOR
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 Ms. Parichita Chowdhury, Adv.
 Mr. Arjun Agarwal, Adv.
 Mr. Amjid Maqbool, Adv.

IA 9110 & 9113/2022

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 Mr. Ashiwan Mishra, Adv.
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Mr. Avijit Mani Tripathi, AOR
 Mr. Upendra Mishra, Adv.
 Mr. P.S. Negi, Adv.
 Mr. K. V. Kharlyngdoh, Adv.
 Mr. S.R. Kocchar, Adv.

Mr. T.K.Nayak, Adv.

Dr. Joseph Aristotle S.AOR
 Ms. Nupur Sharma, Adv.
 Mr. Shobhit Dwivedi, Adv.
 Mr. Sanjeev Kumar Mahara, Adv.

Meghalaya State
 Pollution Control
 Board

Mrs. K. Enatoli Sema, AOR
 Mr. Amit Kumar Singh, Adv.
 Ms. Chubalemla Chang, Adv.

Andhra Pradesh

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 Mr. Polanki Gowtham, Adv.
 Mr. Shaik Mohamad Haneef, Adv.
 Mr. T. Vijaya Bhaskar Reddy, Adv.
 Mr. K. V. Girish Chowdary, Adv.
 Ms. Rajeswari Mukherjee, Adv.

Odisha

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 Mr. Manish Yadav, Adv.
 Ms. Pratibha Yadav, Adv.
 Mr. Prafull Singh Chandel, Adv.

Mr. Abhimanyu Tiwari, AOR
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Maharashtra

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 Mr. Sachin Patil, AOR
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 Mr. Geo Joseph, Adv.
 Ms. Shwetal Shepal, Adv.

State of Goa
 IA 9110 & 9113/22

Mr. Nalin Kohli, Adv.
 Ms. Ruchira Gupta, Adv.
 Mr. Ravindra Ashok Lokhande, AOR

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Mr. Nalin Kohli, Adv.
 Ms. Ruchira Gupta, Adv.
 Mr. Shishir Deshpande, AOR

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

Goa Tamnar Transmission Project Limited (for
 short "GTTPL") is a transmission licensee selected
 through a tariff based competitive bidding (TBCB)

process to establish a Transmission system for "Additional 400 Kv feed to the State of Goa and Additional System for power evacuation from generation projects pooled at Raigarh (Tamnar) Pool on Build, Own, Operate and Maintain (Boom) basis"(Project).

One of the key transmission elements forming part of the Project is the loop-in loop-out (LILO) of one circuit of the Narendra (Existing) - Narendra (New) 400 Kv D/C quad line at Xeldem (NN Line). The NN Line passes through the States of Karnataka and Goa.

The Project connects the southern region (Sangod/Xeldem) with the Northern Goa region (Mapusa) through the NN Line.

By report No.6 of 2021, Central Empowered Committee has made certain observations and recommendations relating to the Goa Tamnar Transmission project for laying of electric lines under the transmission scheme. CEC was of the opinion that the project proposed by the GTTP would be detrimental to the fragile ecosystem of the Western Ghats.

CEC has examined the permission granted by the Standing Committee of National Board for wildlife granting approval for the Project. CEC was of the view that instead of clearing canopy of virgin forest cover along 10.50 km long corridor with 46 m ROW in

Goa State, the proposed 400 Kv line should be drawn along the existing 220 Kv corridor line in Goa State after establishing 400 Kv corridor connectivity between Mapusa and Sangod and 220 Kv line between Sangod and Xeldem. According to CEC, this course of action would ensure adequate supply of power to southern Goa region 100 MW of power now being received from ramagundam through 220 Kv line is temporarily disrupted during the construction phase of 400 Kv line between Narendra and Sangod.

CEC further recommended that the project proposal in respect of Karnataka part should also be suitably amended so as to make use of 110/220 Kv line corridor which will ensure that the commitment given by Power Grid and CEA to the Karnataka Government that no further transmission line shall be laid in the area is not violated. The modification that has been proposed by the CEC would be in the interest of forest and wildlife in the ecologically fragile and biodiversity in these parts. Finally, CEC recommended that direction should be given to the Ministry of Power, Government of India, Goa State Electricity Department and GTTPL to redraw and modify the alignment of additional 400 Kv line corridor between Narendra (existing) - Sangad (new) in the State of Goa and Karnataka in the light of the observations and recommendations made in Report 6 of 2021.

I.A.Nos.9110 of 2022 and 9113 of 2022:

These Interlocutory applications have been filed by GTTPL seeking appropriate orders regarding the recommendations made CEC in Report No. 6 of 2021 by requiring realignment of the loop-in loop-out (LILO) of one circuit of the Narendra (Existing) - Narendra (New) 400 Kv D/c quad line at Xeldem (NN Line) including whether they are binding and must be implemented by the Applicant.

In the alternative, GTTPL also said that the original route envisaged for the loop-in loop-out (LILO) of one circuit of the Narendra (Existing) - Narendra (New) 400 Kv D/c quad line at Xeldem (NN Line) without any realignment as recommended in the Central Empowered Committee's Report No.6 of 2021 dated 23.04.2021.

Mr.C.U.Singh, learned senior counsel appearing for the GTTPL submitted that there would be no objection for compliance of the recommendations made by CEC in its report No.6 of 2021.

Mr.Prashant Bhushan, learned counsel appearing for the Goa Foundation also submitted that there can be no objection for the implementation of the recommendations made by the CEC in respect of realignment of the transmission line.

After examining the report No.6 and hearing the learned counsel for the parties, we approve the recommendations made by CEC in Report No.6 and direct suitable steps to be taken in accordance with the recommendations made therein. Consequent to the acceptance of the report submitted by CEC, the recommendation made by National Board for wildlife dated 07.04.2020 is set aside.

Ms. Srishti Agnihotri, learned counsel appearing for the Goa Foundation vehemently submitted that hearing of this matter should not have a bearing on the contempt petition filed by Goa Foundation in respect of felling of trees by GTTPL for constructing a sub station. It is made clear that the said contempt petition and the applications filed by GTTPL shall be decided on their own merits.

I.As and Pending application(s), if any, shall stand disposed of accordingly.

IA NO. 107884/2021 and IA NOS. 30853 AND 30858/2022.

List on 21.04.2022 at 3.00 p.m. as part-heard.

Additional documents, if any, be filed in the meanwhile.

CONMT.PET.(C) No. 938/2021 in C.A. Nos. 12234-12235/2018
C.A. No. 12234-12235/2018:

Adjourned.

(B. Parvathi)
Court Master

(Anand Prakash)
Court Master