

ITEM NO.301-320 and 326 COURT NO.6 SECTION PIL & XV  
& MENTIONED MATTERS [MM1-MM8]

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

ITEM NO. 301

IA No. 2388 in WRIT PETITION (CIVIL) NO(s). 202 OF 1995

T.N. GODAVARMAN THIRUMULPAD

VERSUS

UNION OF INDIA & ORS

Certified to be true copy

Assistant Registrar (Judl.)

2013

Supreme Court of India

Petitioner(s)

Respondent(s)

(For exemption from payment of NPV on behalf of State of Jharkhand)

ITEM No. 302

IA Nos. 2506 & 2666 in IA NO. 826 in WP(C) No. 202 of 1995

T.N. GODAVARMAN THIRUMULPAD

VERSUS

UNION OF INDIA & ORS

Petitioner(s)

Respondent(s)

(For exemption from paying NPV on behalf of Union of India and State of Madhya Pradesh)

Item No. 303

IA NOS. 2674-2677 in WP(C) No. 202/1995

T.N. GODAVARMAN THIRUMULPAD

VERSUS

UNION OF INDIA & ORS

Petitioner(s)

Respondent(s)

(For impleadment, directions, exemption from filing official translation and stay on behalf of Sandur Manganese & Iron Ores Limited)

Item No. 304

IA Nos. 2686 in WP(C) NO. 202/1995

T.N. GODAVARMAN THIRUMULPAD

VERSUS

UNION OF INDIA & ORS

Petitioner(s)

Respondent(s)

(For modification on behalf of Union Territory of Andaman and Nicobar Island Administration)

Item No. 305

IA Nos. 2808-2810 in WP(C) No. 202/1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(For impleadment, directions and exemption from filing official translation on behalf of GAIL (INDIA) LIMITED)

Item No. 306

IA No. 3626 in IA Nos. 2908-2909 in WP(C) 202/1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(For directions on behalf of Mahanadi Coalfields Limited)

Item No. 307

IA No. 2673 in WP(C) No. 202/1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(For directions on behalf of State of Odisha)

Item No. 308

IA No. 2367-2369, 2598 in 2367-2369 in WP(C) No. 202/1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(For impleadment, directions and exemption from filing official translation on behalf of M/S. GAIL (INDIA) LIMITED)

with the CAMPA matter.

In the meanwhile, the Central Empowered Committee [CEC] may also examine the interlocutory application and offer their comments within eight weeks.

List thereafter.

Item No. 317

IA No. 3627

[For modification of Court's order dated 28/03/2008 and 24/04/2008 on behalf of Oil India Limited]

List this application after two weeks as prayed for by the applicant.

Item No. 318 to 320

IA Nos. 1980-1981, 2478 in 1980-1981, 3329 in 2478, SLP(C) Nos. 15816/2011 and 31754 of 2012

[For impleadment, directions, stay and permission to file additional affidavit and in the matters of M/s Udaipur Mineral Development Syndicate Limited v. State of Rajasthan and Others]

List these applications and the Special Leave Petitions next week as prayed for by the applicant as well as the petitioner.

Item No. 326

IA Nos. 3586-3587

[For impleadment, permission on behalf of Dedicated Freight Corridor Corporation, Maharashtra]

Heard learned counsel for the parties.

In these applications, a prayer has been made to

allow the applicant diversion of 8.050 hectares of proposed area falling within the limits of Sanjay Gandhi National Park, Maharashtra and for alignment of DFCC track within eco-sensitive zone of Sanjay Gandhi National Park and Tungreshwar Wildlife Sanctuary in the State Maharashtra in favour of DFCC for construction of DFCC railway track from JNPT in the State of Maharashtra to Dadri in the State of Uttar Pradesh.

The Central Empowered Committee (CEC) has made the following observations in its report in para 14 :-

After considering that the project is in public interest, no viable alternative is feasible, the new railway line is planned to be constructed adjoining the existing railway lines, the adverse impact of the project on the wildlife habitat is containable with adequate mitigative measures and that the project is cleared by the Standing Committee of the National Board for Wildlife it is recommended that this Hon'ble Court may consider permitting the use of 8.050 hectare of forest land falling in the Sanjay Gandhi National Park for the construction of the Dedicated Freight Corridor Corporation of India Limited subject to the following conditions:-

(i) for use of forest land approval under the forest (Conservation) Act, 1980 will be obtained and the NPV at the rates applicable for the use of forest land falling in the National parks will be deposited in the Compensatory Afforestation Fund:

(ii) Rs. 15 Crore will be deposited by the Project authorities with the Sanjay Gandhi national Park for undertaking conservation and protection measures in

the National park. The rules, procedure and guidelines for use of the said amount will be decided by the Principal Chief Conservator of Forests (Wildlife), Maharashtra Forest Department with the approval of the Government of Maharashtra.

(iii) the construction of the four under-passes and the chain linked fencing parallel to the railway line on either side will be undertaken by the project authorities as per the specifications finalised by the Principal Chief Conservator of Forests (Wildlife), Maharashtra Forest Department; and

(iv) the other conditions on which the project has been cleared by the Standing Committee of the National Board for Wildlife will be strictly complied with."

We, therefore, allow the diversion of 8.050 hectares area of forest land falling in Sanjay Gandhi National Park for the construction of dedicated corridor of the applicant subject to the conditions mentioned above in para 14 of the Report.

It is made clear that in this case,\* the sum of Rs. 15 Crores will be deposited with the Sanjay Gandhi National park as mentioned in condition No. 2(outside the Consolidated Fund of India).

Mentioned Matters MM1-MM2, MM4-MM8

IA Nos. 3544-3545 in WP(C)NO. 202 of 1995  
[For extension of time]

IA Nos. 3643-3644 in WP(C)NO. 202 of 1995  
[For directions]

IA NO. 3660 in WP(C) No. 202 of 1995  
[For directions]