

16

ANNEXURE "C"
परीक्षित 219-

ITEM NO.301t@312

COURT NO.10

SECTION FIL

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

I.A.NOS. 2902-2903 AND 3208, 2904-2905 AND 3331, 2906-2907 AND 3332, 2908-2909 AND 3333, 2910-2911 AND 3334, 2935-2936 AND 3335 IN WRIT PETITION (CIVIL) NO(s). 202 OF 1995

T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(With appln(s) for impleadment and directions/stay)

302. I.A.NOS. 3277-3280 AND 3373 IN W.P.(C) NO. 202/1995

(FOR IMPLEADMENT, EXEM. FROM FILING OT AND DIRECTIONS/EX-PARTE STAY)

303. I.A.NOS. 3302-3304 IN W.P.(C) NO. 202/1995

(FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FORM FILING OT)

304. IA NOS. 3290-3291 IN WP(C) NO.202/1995

(FOR IMPLEADMENT AND PERMISSION)

305. IA NOS. 3371-3372 IN W.P.(C) NO. 202/1995

(FOR INTERVENTION/DIRECTION)

306. SLP (C) NO. 1215/2003

(WITH APPLN. FOR ACCEPTING ENGLISH TRANSLATION AND WITH PRAYER FOR INTERIM RELIEF)

अध्यापति प्रमाणित

अध्यापकी अभियन्ता (पी.डी.सी-1)
जयपुर विकास प्राधिकरण
जयपुर

For DAMODAR ROY & INFRA LTD.
Authorised Signatory

अध्यापकी अभियन्ता (मि.रोडी)

307. SLP(C) 22856/2011

(WITH APPLN. FOR EXEM. FROM FILING C/C OF THE IMPUGNED JUDGMENT AND WITH PRAYER FOR INTERIM RELIEF)

308. SLP(C) ..CC.2864/2012

(WITH APPLN. FOR C/D IN FILING SLP AND OFFICE REPORT)

PART-B LIST FOR FINAL DISPOSAL

PART-HEARD

309. IA NO. 100 IN W.P.(C) NO. 337/1995

(FOR INTERVENTION)

310. I.A. NO. 2469 WITH I.A. NOS. 2782, 2939-2940 AND I.A. NOS. 3023-3024 IN IA 2782, 3030 AND 3032 IN W.P.(C) NO. 202/1995

(FOR PERMISSION AND INTERVENTION AND DIRECTION M/S. AND BRINGING ON RECORD AND EXEMPTION FROM FILING O.T., INTERIM DIRECTIONS AND PERMISSION TO FILE ADDITIONAL AFFIDAVIT)

WITH

W.P.(C) NO. 130/2011

(WITH APPLN. FOR EXEM. FROM FILING O.T. AND OFFICE REPORT)

311. I.A. NOS. 1308, 1323, 1455, 1468, 1478 IN W.P.(C) NO. 202/1995

(FOR DIRECTIONS, INTERVENTION AND EXEM. FROM FILING OT.)

312. SLP(C) 30622/2011

(WITH APPLN. FOR EXEM. FROM FILING O.T. AND WITH PRAYER FOR INTERIM RELIEF AND OFFICE REPORT)

Date: 21/02/2012 These Petitions were called on for hearing

छायाप्रति प्रमाणित

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

**अभिशाषी अभियन्ता (रिंग रोड)
जयपुर विकास प्राधिकरण
जयपुर**

**अभिशाषी अभियन्ता (पी डी सी-1)
जयपुर विकास प्राधिकरण
जयपुर**

For DAMODAR ROPEWAYS LIMITED,
Authorised Signatory

For Appearing parties:

- Mr. P.S.Narasimha, Sr.Adv. (A.C.)
- Mr. Gaurav Agarwal, Adv.
- Mr. K.Parmeswar, Adv.
- Mr. Haris Beeran, Adv.
- Mr. P.K. Manohar, Adv.
301. Mr. Anip Sachthey, Adv.
- Mr. Mohit Paul, Adv.
- Ms. Shagun Matta, Adv.
- Mr. Shibhashish Mishra, Adv.
- Mr. Gopal Prasad, Adv.
- Mr. Manjit Singh, AAG. (Har.)
- Mr. Tarjit Singh, Adv.
- Mr. Kamal Mohan Gupta, Adv.
302. Dr. Kailash Chand, Adv.
- Mr. C.D.Singh, Adv.
- Mr. Sunny chaudhary, Adv.
303. Mrs. Rani Chhabra, Adv.
- Mr. R.K.Shrivastava, Sr.Adv.
- Mr. T.N.Singh, Adv.
- Mr. Rajeev Dubey, Adv.
- Mr. K.Mishra, Adv.
304. Mr. A.Sharan, Sr.Adv.
- Mr. Praveen Jain, Mr. T.S.Sidhu,
- Mr. Akshat K., Mr. Sumit Gupta, Mr. Ashish
- Suman, Mr. Vikas Soni and Mr. S.P. Bhatia, Adv. for
- M/s. M.V.Kini & Associates.
- Mr. R.K. Shrivastava, Sr.Adv.
- Mr. T.N.Singh, Adv.
- Mr. Rajeev Dubey, Adv.
- Mr. K.Mishra, Adv.

अध्यापति प्रमाणित

For DAMODAR ROPEWAYS & INFRA LTD.

Authorised Signatory

अध्यापकी अभियन्ता (रिंग रोड)
जयपुर विकास प्राधिकरण
जयपुर

अध्यापकी अभियन्ता (पी.डी.सी-1)
जयपुर विकास प्राधिकरण
जयपुर

305. Dr. Manish Singhvi, aag. (Raj.)
Mr. Ashutosh Kumar Singh, Adv.
Mr. Devanshu K. Devesh, Adv.
Mr. Irshad Ahmad, Adv.

Mr. Milind Kumar, Adv.

306. Mr. S.K. Jain, Adv.
Ms. Pratibha Jain, Adv.

307. Mr. V. Giri, Sr. Adv.
Mr. Sanand Ramakrishnan, Adv.
Mr. Rajeev Mishra, Adv.
Mr. V. J. Joseph, Adv.

Mr. C.S. Rajan, Sr. Adv.
Mr. Zulfiker Ali, Adv.
Ms. Meena C.R., Adv.

308. Mr. V. Giri, Sr. Adv.
Mr. Sudarsh Menon, Adv.
Mr. Md. Sadique, Adv.

309. Mr. Raj Panjwani, Sr. Adv.
Mr. Ritwick Dutta, Adv.
Mr. Aditya Shamlal, Adv.
Mr. Vijay Panjwani, Adv.

Ms. Anitha Shenoy, Adv.

Ms. Vibha Dutta Makhija, Adv.

Mr. T.S. Doabia, Sr. Adv.
Ms. Kiran Bhardwaj, Adv.
Mr. B.K. Prasad, Adv.
Mr. R.K. Tanwar, Adv.
Mrs. Sukhbeer Kaur, Adv.
Mr. S.S. Rawat, Adv.
Mr. R.K. Rathore, Adv.
Mr. D.S. Mahra, Adv.
Mr. S.N. Terdol, Adv.
Mr. Harish Kauchi, Adv.

Mr. Shyam Diwan, Sr. Adv.

छायाप्रति प्रेमप्रणेत. Wahi, Adv.

Mr. S.D. Panda, Adv.

Mr. Rojalin Pradhan, Adv.

For DAMODAR ROY & CO. LTD.
Authorised Signatory

अधिकाधी अभियन्ता (रिंग रोड)
जयपुर विकास प्राधिकरण
जयपुर

अधिकाधी अभियन्ता (पी.डी.सी.-१)
जयपुर विकास प्राधिकरण
जयपुर

Ms. Asha G.Nair, Adv.
Mr. C.K.Sharma, Adv.
Mr. M.Khairati, Adv.
Mr. R.S.Nagar, Adv.

Mr. D.K.Sinha, Adv.

Dr. Manish Singhvi, AAG. (Raj.)
Mr. Ashutosh Kumar Singh, Adv.
Mr. Devanshu K.Devesh, Adv.
Mr. Milind Kumar, Adv.

Mr. Jagjit Singh Chhabra, Adv.

Mr. Kamendra Misra, Adv.

M/s. Karanjawala & Co.

Mr. Prakash Kumar Singh, Adv.

Mr. Milind Kumar, Adv.

Ms. Asha G.Nair, Adv.

Mr. Krishnanand Pandey, Adv.

Mr. Kamendra Mishra, Adv.

Ms. Rachan Srivastava, Adv.

Mr. B.S.Banthia, Adv.

Mr. D.K.Sinha, Adv.

Mr. Gopal Singh, Adv.

Mr. Gopal Singh, Adv.

Mr. Anil Srivastava, Adv.

Ms. H.Wahi, Adv.

M/s. Corporate Law Group.

Mr. R.S.Jena, Adv.

Mr. T.V.George, Adv.

For DAMODAR ROY & SONS & INFRA LTD.

Authorised Signatory

अधिशायी अभियन्ता (रिंग रोड)
जयपुर विकास प्राधिकरण

अधिशायी अभियन्ता (पी.डी.सी-1)
जयपुर विकास प्राधिकरण

310.

311.

for Tripura

For Bihar

(dty)

Mr. Naresh K. Sharma, Adv.

Mr. Prashant Bhushan, Adv.

Ms. Anitha Shenoy, Adv.

Mr. Shibashish Mishra, Adv.

Mr. Irshad Ahmad, Adv.

Ms. Prerna Mehta, Adv.

312.

In IA 2785&3025

Mr. Altaf Ahmad, Sr. Adv.

Mr. Himinder Lal, Adv.

Ms. Rajni Ohri Lal, Adv.

In IA 3317-18

Mr. Irshad Ahmad, Adv.

In IA 3300

Mr. B. Balaji, Adv.

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

IN 301. I.A.NOS. 2902-2903 AND 3208, 2904-2905 AND
3331, 2906-2907 AND 3332, 2908-2909 AND 3333, 2910-2911
AND 3334, 2935-2936 AND 3335 IN WRIT PETITION (CIVIL)
NO(s). 202 OF 1995:

In spite of repeated directions, no counter affidavit has been filed by the State of Orissa. Learned counsel for the State of Orissa stated that he has already addressed the State about the pendency of this case.

In these circumstances, we direct the Principal Chief Conservator of Forests, Orissa, to file a counter affidavit positively within three weeks, failing which the officer will remain present in Court on the next date of hearing.

List on 19/3/2012.

Communicate this order to the CCF, Orissa.

For DAMODAR ROY AND ANIRALTI
Authorised Sign

अधिसाध अमियन्ता (रिंग रोड)
जयपुर विकास प्राधिकरण
जयपुर

अधिसाध अमियन्ता (पी.डी.सी.)
जयपुर विकास प्राधिकरण
जयपुर

IN 302.I.A.NOS. 3277-3280 AND 3373 IN W.P.(C) NO.

202/1995

Applications are dismissed for non-prosecution, however with liberty to work out the remedy else where.

IN 303. I.A.NOS. 3302-3304 IN W.P.(C) NO. 202/1995

Two weeks' time is granted to the applicants to show that the licence fee had been deposited prior to 31/3/1991.

List after two weeks.

IN 304. IA NOS. 3290-3291 IN WP(C) NO.202/1995

Applications are allowed in view of the letter dated 9.2.2012 issued by the MoEF to the Chief Secretary (Forest), U.P. Lucknow. However, the applicant has to comply with the conditions stipulated in that letter which are as follows:

"I. Essential amount of money (for adjusting present pay scale as amended) will be deposited by implementation Agency in favour of the forest development on double forest land or on 74.50 hectares for compensatory plantation and for maintenance till 5 years.

झायाप्रति प्रमाणित

II. Essential amount of money will be deposited by implementation Agency for plantation in 2-3 lines in both sides for maintenance for 5 years

अधिशायी अभियन्ता (रिंग रोड)
जयपुर विकास प्राधिकरण

अधिशायी अभियन्ता (पी.डी.सी-1)
जयपुर विकास प्राधिकरण
जयपुर

For DAMODAR ROY & SIFRALTD.

Authorised Signatory

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by adding present pay scale. The project for plantation would be submitted in Regional Officer by making approval from State Government.

III. Prescribed amount of net present value will be deposited by implementing Authority according to order under I.A.No. 566 in Writ Petition No.202 of 1995 of Hon'ble Supreme Court of India and under letter No. 5-3/2007 F.C. dated 5.2.2008 of Government of India.

IV. According to aforesaid Instrumentation Net present value and other all funds compensatory plantation, fund management would be deposited in account number CA 1574 of planning authority in Corporation Bank (Enterprises of Government of India) Block-II, Phase-1, New Delhi-110003.

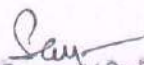
V. Project of disposal of wastage with detail counting of wastage and detail of managing it will be submitted to this office by implementing authority be getting approval by Divisional Forest Officer and implementary agency will make available essential amount of this.

VI. Submit detail of amount of money determined for disposal of wastage in construction of proposed reclamation

अध्यापक प्रमाणित



अध्यापक अभियन्ता (रिंग रोड)
जयपुर विकास प्राधिकरण
जयपुर


अध्यापक अभियन्ता (पी.डी.सी.)
जयपुर विकास प्राधिकरण
जयपुर

For DAMODAR ROSE & INFRA LTD.

Authorised Signatory

VIA. The amount of double of cut 2830 trees on the proposed road or on other road or plantation of 5660 trees and maintenance for 5 years will be deposited.

VII. Separate details of deposited amount or N.P.N. compensatory plantation, punishable compensation plantation catchment area treatment plan (kent plan) plantation near road/proposed place wastage disposal, fixation of Boundary by pillars, itemwise detail, photocopy of bank draft/cheque in it clearly mention of name of issuing Bank, Branch and date and name of depositing bank date will be submitted. Accordingly consideration will be done on legal approval.

VIII. According to directions given in letter no. 11-9.98-FC dated 8.7.2011 of Environment and Forest Department submit land reference digital data/map certified by competent authority of State Government in which (shp) special data of forest boundary would be mentioned."

Needless to say that the applicant has to get the necessary clearance under Section 2 of the Forest (Conservation) Act, 1980.

All the applications are accordingly disposed of.

Say
अधिसूची अभियन्ता (पी.डी.सी.-1)
जयपुर विकास प्राधिकरण
जयपुर

आयाप्राप्त प्रमाणित
For DAMODAR ROSENIKE & INFRA LTD.
Authorised Signatory
अभिमान अभियन्ता (सि. रोड)
जयपुर विकास प्राधिकरण
जयपुर

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IN 305. IA NOS. 3371-3372 IN W.P.(C) NO. 202/1995

Applications are allowed in view of the permission granted by the NBWL on 24.1.2011 as referred in the MoEF letter dated 9.2.2011. The applicants have to get the clearance under Section 2 of the Forest (Conservation) Act, 1980.

The applications are accordingly disposed of.

IN 306. SLP (C) NO. 1215/2003

No grounds are made out for interference with the judgment of the High Court.

The special leave petition is dismissed.

IN 307. SLP (C) 22856/2011

Ms. Meena C.R., learned counsel appearing for respondent Nos. 6 to 29, accepts notice. Notice to other respondents.

Notice may be served to the Standing Counsel for the State by dasti.

CEC will examine the averments and file its report within six weeks.

छायाप्रति प्रमाणित

List after six weeks.

अविशापी अभियन्ता (रिंग रोड)
जयपुर विकास प्राधिकरण
जयपुर

अविशापी अभियन्ता (पी.डी.सी-1)
जयपुर विकास प्राधिकरण
जयपुर

For DAMODAR ROY & CO. & INFRA LTD.

Authorised Signatory

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29
1054

IN 308. SLP (C) ..CC.2864/2012

Delay condoned.

Tag with SLP (C) no. 20154/2011 which is listed on
12/3/2012.

IN 309. IA NO. 100 IN W.P. (C) NO. 337/1995

Mr. Shyam Diwan, learned senior counsel resumed his
arguments at 2.45 p.m. and was on his legs when the Court rose
for the day.

The matter remained part-heard.

IN 310. I.A. NO. 2469 WITH I.A. NOS. 2782, 2939-2940

AND I.A. NOS. 3023-3024 IN IA 2782, 3030 AND 3032 IN W.P. (C) NO.
202/1995

WITH

W.P. (C) NO. 130/2011

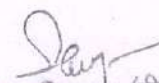
AND

IN 311. I.A. NOS. 1308, 1323, 1455, 1468, 1478 IN W.P. (C) NO.
202/1995


AND

IN 312. SLP (C) 30622/2011

Not taken up.


अधिराषी अभियन्ता (पी.डी.सी.-II)
जयपुर विकास प्राधिकरण
जयपुर

For DAMODAR ROY CHOWDHURY & INFRA LTD.
आयाप्रति प्रमाणित
Authorised Signatory


अधिराषी अभियन्ता (रिंग रोड)
जयपुर विकास प्राधिकरण
जयपुर

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IN IA Nos. 2785 & 3025 IN WP(C) No. 202/1995

IN IA No. 3300 OF 2011 IN WP(C) No. 202/1995

IN IA Nos. 3317-3318 OF 2011 IN WP(C) No. 202/1995

Upon being mentioned, I.As. are taken on Board.
List on 27/2/2012.

[SUMAN WADHWA]
COURT MASTER

[S.S. R. KRISHNA]
COURT MASTER

अधिकाधी अभियन्ता (पी.डी.सी-1)
जयपुर विकास प्राधिकरण
जयपुर

For DAMODAR ROPEWAYS & INFRA LTD.
Authorised Signatory

छायाप्राप्त प्रमननेत

अधिकाधी अभियन्ता (रिंग रोड)
जयपुर विकास प्राधिकरण
जयपुर