

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 AND ORS. & ORS.

Respondent(s)

([1] I. A. NOS. 37666, 37670 AND 37679/2020[APPLICATIONS FOR
IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.]IN RE :
UTTAM KUMAR JAIN AND ORS. AND[2] I. A. NOS. 196062 AND 174896/2019 (ALLOWED VIDE ORDER DT.
24.02.2023)[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS]ONLY LISTED
FOR DIRECTIONS IN PURSUANCE OF HON'BLE COURT'S ORDER DATED
24.03.2023IN RE : PATNITOP DEVELOPMENT AUTHORITY AND[3] INTERLOCUTORY APPLICATION NO. 44942/2019 (DISMISSED AS
WITHDRAWN VIDE ORDER DT. 13.01.2021) [APPLICATION FOR DIRECTIONS]
ONLY LISTED FOR DIRECTIONSIN RE : STATE OF KARNATAKA AND[4] I. A. NOS. 87544, 87550 AND 91723 OF 2023[APPLICATIONS FOR
IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.]IN RE : M/S.
KRISHNA MINERS AND TRADERS, RAJASTHAN AND[5] I. A. NOS. 107906 AND 107909/2023 [APPLICATIONS FOR
IMPLEADMENT AND DIRECTIONS]IN RE : NALWAYA MINERALS INDUSTRIES PVT.
LTD. AND[6] I. A. NOS. 115479, 115480 AND 115482/2023 [APPLICATIONS FOR
IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.]IN RE :
HANUMAN DAS

Date : 18-08-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s)

Mr. Harish N. Salve, Sr. Adv. [A.C.] (Not Present)
Mr. A.D.N. Rao, Sr. Advocate [A.C.] (Not Present)
Ms. Aparajita Singh, Sr. Advocate [A.C.] (Not Present)
Mr. Siddhartha Chowdhury, Advocate [A.C.]Mr. K. Parameshwar, Advocate [A.C.]
Mr. M.V. Mukund, Adv.
Ms. Arti Gupta, Adv.
Ms. Kanti, Adv.

Mr. Tushar Mehta, Solicitor General of India
Mr. Neeraj Kumar Sharma, Adv.
Mr. Mukesh K. Verma, Adv.
Mr. Mrinal Elker Mazumdar, Adv.
Ms. Indira Bhakar, Adv.
Mr. Harsh Pandey, Adv.
Ms. Priyanka Sharma, Adv.
Mr. Prahil Sharma, Adv.
Mr. Harender Singh, Adv.
Mr. Ambuj Saraswat, Adv.
Mr. Pawan Kumar Sharma, Adv.
Mr. S.N. Terdal, Adv.
Mr. G.S. Makker, Adv.

Dr. Manish Singhvi, Sr. Adv.
Mr. Sandeep Kumar Jha, AOR
Ms. Shubamgi Agarwal, Adv.

Dr. Manish Singhvi, Sr. Adv.
Ms. Shubhangi Agarwal, Adv.
Mr. Apurv S., Adv.
Mr. Milind Kumar, AOR

Mr. Rao Ranjit, Adv.

Mr. Nishanth Patil, AAG
Mr. V. N. Raghupathy, Adv.
Mr. Manendra Pal Gupta, Adv.
Mr. Ayush P. Shah, Adv.
Mr. Vignesh Adithiya, Adv.

Ms. Aruna Gupta, Adv.
Mr. Ramesh Allanki, Adv.
Mr. Syed Ahmed Nazvi, Adv.

Mr. Siddharth Sharma, Adv.

Mr. E.R. Kumar, Adv.
Mr. Abhishek Thakral, Adv.
For M/s. Parekh & Co.

Mr. Shailesh Madiyal, AOR
Mr. Vaibhav Sabharwal, Adv.
Mr. Akshay Kumar, Adv.

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

[1] I. A. NOS. 37666, 37670 AND 37679/2020

1. Reply, if any, be filed within four weeks.
2. List these applications after four weeks.

1. On 18.05.2023, this Court passed the following order:-

“On the last date when the matter was heard, a suggestion was made by the Bench that instead of the CEC (Central Empowered Committee) being an ad-hoc body, it would be in the larger interest that the CEC as an institution should be a permanent statutory body.

Mr. Tushar Mehta, learned Solicitor General, has accepted the said suggestion. He states that the Union of India would publish a draft notification under the provisions of Section 3 of the Environment (Protection) Act, 1986 providing for the constitution of the CEC.

He submitted that the draft notification would contain 8 provisions related to the qualification of the Members to be appointed, their tenure, their powers and responsibilities etc. Learned Solicitor General submits that the draft notification will be published within a period of 15 days from today and that the same shall be placed before the Court on the next date.”

2. In pursuance of the aforesaid order, Mr. Tushar Mehta, learned Solicitor General of India, has handed over a draft notification to be issued by the Ministry of Environment, Forest and Climate Change (MoEFCC) regarding constitution of Central Empowered Committee (CEC). The said draft has already been shared with Mr. K. Parameshwar, learned Amicus Curiae.

3. Learned Amicus Curiae submits that he has only one suggestion to the draft notification i.e. there should be a provision for periodical audit of the functioning of the CEC by the MoEFCC.

4. Learned Solicitor General does not have any objection to the said suggestion. He states that the suggestion given by the learned Amicus Curiae would be incorporated in the final notification that would be issued by the MoEFCC.

5. We, therefore, permit the Union of India to proceed further with the issuance of notification for constitution of the CEC as a permanent body.

6. We find that rather than CEC functioning as an *ad hoc* body, it functioning as a permanent body would be in the interest of all the stake holders.

7. We also permit the MoEFCC to proceed further with the constitution of the CEC in accordance with the notification that will be issued by the MoEFCC.

[3] INTERLOCUTORY APPLICATION NO. 44942/2019

1. In pursuance to the judgment passed by this Court on 12.12.1996 [T.N. Godavarman Thirumulpad v. Union of India (1997) 2 SCC 267], the State of Karnataka has submitted that it has constituted an Expert Committee.

2. In the affidavit, it is further stated that as per the report of the Committee an area ad measuring 3,30,186.93 hectares has been identified as deemed forest and the same has also been approved by the State Government.

3. The said compliance is taken on record.

4. The application stands disposed of.

[4] I. A. NOS. 87544, 87550 AND 91723 OF 2023

[5] I. A. NOS. 107906 AND 107909/2023

[6] I. A. NOS. 115479, 115480 AND 115482/2023

1. As prayed, four weeks' time is granted for filing reply affidavit.

2. List after four weeks.

I.A. NO.1412/2005 AND I.A. No.117831/2019

These applications were mentioned before the Court.

List these applications on 13.09.2023.

**(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS**

**(ANJU KAPOOR)
COURT MASTER (NSH)**