



IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 562 OF 2009

SAMAJ PARIVARTANA SAMUDAYA &amp; ORS. . . . . PETITIONERS

VERSUS

STATE OF KARNATAKA &amp; ORS. . . . . RESPONDENTS

WITH

W.P. (C) No. 768 OF 2013O R D E RWrit Petition (C) No. 562/2009

To avoid prolixity and repetition, we refrain from restating the facts and developments in the present writ petitions, as they have already been delineated in our prior order dated 14.03.2024.

We address and answer the applications listed before us in the manner provided below.

I.A. No. 232/2014

To await report(s) of the Central Empowered Committee<sup>1</sup> and the Monitoring Committee, and reply/response thereto, re-list in the week commencing 20.08.2024.

<sup>1</sup> For short, "CEC".

I.A. No. 237/2015

It is stated by the learned counsel appearing for the applicant(s) that the present application has become infructuous. Accordingly, the application is dismissed as infructuous.

I.A. No. 238/2015

The present application has become infructuous and is accordingly dismissed as infructuous.

I.A. No. 239/2015 and 240/2015

None appears on behalf of the applicant(s).

Mr. Shyam Divan, learned *Amicus Curiae* has pointed out that the issue raised in the present applications is covered by the decision of this Court, dated 30.07.2015 in "*Samaj Partivartana Samudaya and Ors. v. State of Karnataka and Ors.*"<sup>2</sup>.

It appears that the applications may have become infructuous.

Accordingly, the applications are dismissed in default.

I.A. No.241/2015

According to the applicant's declarations before the Indian Bureau of Mines<sup>3</sup>, they had extracted 9,23,582 Metric Tonnes<sup>4</sup> of iron ore in the period commencing 01.04.2011 till the suspension of mining leases *vide* this Court's order(s). However, the Monitoring Committee had sold 10,67,813 MT of iron ore. Therefore, the total excess iron ore sold by the Monitoring Committee stood at 1,44,231

<sup>2</sup> (2017) 11 SCC 509.

<sup>3</sup> For short, "IBM".

<sup>4</sup> For short, "MT".

MT.

The excess iron ore sold totaling to 1,44,231 MT includes 39,725 MT of iron ore which was found lying on the railway sidings. If we exclude 39,725 MT of iron ore from the total quantum of excess iron ore sold, that is, 1,44,231 MT, we arrive at a balance of 1,04,506 MT of iron ore.

It is the contention of the applicant(s) that they had filed revised return(s) to the IBM on 26.10.2011. We are not inclined to accept the said submission for several reasons including the fact that the revised return(s) was submitted post the order(s) of this Court suspending the mining activities. The revised return(s) itself indicates wrong-doing or, at least discrepancies. Finally, no provision or rule permits the revision of returns.

In view of the aforesaid, we do not think that the applicant(s) is entitled to payment viz. 1,04,506 MT of excess iron ore sold by the Monitoring Committee.

For the 39,725 MT of iron ore found lying at the railway sidings, the CEC report states that the applicant(s) was required to establish that the said quantity had been legally extracted and transported to the railway sidings. The applicant must establish that 39,725 MT of the iron ore was declared in the return(s) filed by them with the IBM.

It will be open to the applicant(s) to file the papers and documents before the CEC, which will thereupon, in consultation with the Monitoring Committee pass appropriate order(s). However, any order passed for payment, will not be implemented without the permission of the Court.

Learned Senior Advocate appearing for the applicant(s) states that in view of the order passed today, nothing survives in Writ Petition No. 35626/2024, which is pending before the High Court of Karnataka, and the same shall be withdrawn. The statement is taken on record.

The application is disposed of accordingly.

I.A. No. 245/2015

None is present on behalf of the applicant(s).

It appears that the present application may have become infructuous.

Accordingly, the application is dismissed in default.

I.A. No. 249/2015

None is present on behalf of the applicant.

It appears that the present application may have become infructuous.

Accordingly, the application is dismissed in default.

I.A. No. 251/2016

None is present to press the present application.

It appears that the present application may have become infructuous in view of the subsequent developments.

Accordingly, the application is dismissed in default.

I.A. No.253/2016

The present application is filed by the State of Karnataka.

Most of the prayers have already become infructuous in view of the subsequent development and the orders passed by this Court. In our order dated 14.03.2024, directions have also been issued viz. the unauctioned Category C mines, where the Reclamation and Rehabilitation Plans<sup>5</sup> work is yet to be undertaken.

In case the State of Karnataka wants to merge some of the Category C mines for the purposes of auction, they can prepare a justification report and file an application for appropriate order before this Court.

In view of and recording the aforesaid, we dispose of the present application in terms of the earlier order(s) passed by this Court with liberty to the State of Karnataka to file a fresh application, if required and necessary.

I.A. No. 256/2016 in I.A. No. 251/2016

Learned Senior Advocate appearing for the applicant(s) seeks permission to withdraw the present application(s) in view of the subsequent development, with liberty to approach this Court, if required and necessary.

Taking the statement on record, the application is dismissed as withdrawn, with liberty as prayed.

I.A. No. 258/2016

It is stated that the present application has become infructuous.

In view of the statement made, the application is dismissed as

<sup>5</sup> For short, "R&R Plans".

infructuous.

I.A. Nos. 261/2016 and 262/2016 in I.A. No. 242/2016

The present applications are disposed of as infructuous with the liberty to the applicant(s) to file a fresh application, if required and necessary.

I.A. No. 264/2016

None is present on behalf of the applicant - National Mineral Development Corporation Limited<sup>6</sup>.

It appears that the present application may have become infructuous in view of the subsequent development/orders.

Accordingly, the application is dismissed in default.

I.A. No. 265/2016

In view of the CEC's report, we accept the proposal given by the Secretary, Mining and the Government of Karnataka. Accordingly, 1.28 hectares, which is the forest land will be excluded from the 10.87 hectares to be added. Therefore, 9.59 hectares of additional land may be added to the free leased land of 9.15 hectares, in the Mining Lease No. 2525. Thus, the total area of the Mining Lease No. 2525 will be enhanced to 18.74 hectares.

We also permit the State of Karnataka to auction the said mining lease in terms of the directions given by this Court. The new lessee will have to undertake the R&R Plans.

<sup>6</sup> For short, "NMDC".

The application is disposed of in the above terms.

I.A. No. 268/2016

None is present for the applicant(s).

It appears that most of the prayers in the application may have become infructuous.

Accordingly, the application is dismissed in default.

I.A. No. 56553/2017 in I.A. No. 268/2016

Learned counsel for the applicant(s) does not press the application, as I.A. No. 268/2016 has been dismissed in default.

The application is accordingly dismissed as not pressed.

I.A. No. 72697/2017

This application has become infructuous given the subsequent development and the orders passed by this Court.

Accordingly, the application is dismissed as infructuous.

I.A. No. 98421/2017

None is present to press the present application.

It appears that the application may have become infructuous.

Accordingly, the application is dismissed in default.

I.A. Nos. 112373/2017 and 112371/2017

Learned Senior Advocate appearing for the applicant(s) seeks permission to withdraw the present applications in view of the subsequent development and prays for liberty to approach this Court by way of a separate application, if required and necessary.

Taking the statement on record, the applications are dismissed as withdrawn, with liberty as prayed.

I.A. Nos. 124719/2017 and 118910/2017

Learned counsel for the applicant(s) seeks permission to withdraw the present applications in view of the subsequent development and prays for the liberty to file a fresh application, if required and necessary.

Orders have been passed on the question of physical demarcation of the inter-state boundaries between the states of Andhra Pradesh and Karnataka. The other prayers in the present application(s) can be considered only after the physical demarcation is concluded. Therefore, we grant liberty to the applicant(s) to file a fresh application.

The applications are accordingly dismissed as withdrawn with liberty as prayed.

I.A. Nos. 134809/2017 and 132513/2017

Learned counsel for the applicant(s) seeks permission to withdraw the present applications with the liberty to file a fresh application, if required and necessary.

Taking the statement on record, the applications are dismissed as withdrawn with liberty as prayed.

I.A. No. 141339/2017

The present application has already been disposed of/dismissed vide order dated 21.03.2018.

Hence, no orders are required to be passed and the application



should not be listed.

I.A. Nos. 9764-9765/2018

Learned counsel appearing for the applicant(s) seeks permission to withdraw the present applications with liberty to file a fresh application, if required and necessary.

In view of the statement made, the applications are dismissed as withdrawn with liberty as prayed.

I.A. Nos. 10384/2018 and 10386/2018

None is present to press the present applications.

Accordingly, the applications are dismissed in default.

I.A. Nos. 10388/2018 and 10390/2018

None is present to press the present applications.

It appears that the applications may have become infructuous.

Accordingly, the applications are dismissed in default.

I.A. No. 10973/2018

Learned counsel for the applicant(s) seeks permission to withdraw the present application.

In view of the statement made, the application is dismissed as withdrawn.

I.A. No.37377/2018

None is present to press the present application.

It appears that the application may have become infructuous.

Accordingly, the application is dismissed in default.

I.A. Nos. 37293/2018 and 37295/2018

None is present to press the present applications.

It appears that the applications may be covered by this Court's order dated 14.03.2024.

The applications are dismissed in default.

However, we give liberty to the applicant(s) to file a fresh application post the completion of the demarcation and categorization.

I.A. No.38128/2018

None is present to press the present application.

It also appears that the application may have become infructuous in view of the previous order(s) passed by this Court.

Accordingly, the application is dismissed in default.

I.A. Nos.62856/2018, 57649/2020 and 57650/2020

These applications are for a refund of the guarantee money furnished by the lessees.

The guarantee money was directed to be deposited in terms of the order dated 28.09.2012, which order also states that the guarantee money will be refunded upon the implementation of the R&R Plans to the complete satisfaction of the CEC and subject to the approval of this Court.

Thereafter, the order dated 25.04.2017 in I.A. No.267/2016 directs refund of 90% of the guarantee money on the Monitoring

Committee's satisfaction viz. the implementation of R&R Plans in the case of Category B mining leases. The balance 10% is to be released to the applicant(s) after full implementation of R&R Plans.

Our attention is drawn to the CEC report dated 07.07.2017, which states that in 44 Category B mining leases, the progress in implementation of the R&R Plans is above 85%. Subsequently, report of CEC dated 28.08.2018 seeks certain directions from this Court to the Monitoring Committee.

Lastly, our attention is drawn to this Court's order dated 30.08.2018, directing the Monitoring Committee to complete the inspection of remaining leases (10 in number) on or before 15.09.2018, besides the release of guarantee money to lessees where the implementation of R&R Plans is complete. The question of review in 16 cases where a part of the guarantee money had been released was left open.

Learned *Amicus Curiae* appearing in the matter states that in 26 cases, guarantee money has been released. In 12 cases, the matter requires examination. In six cases, no guarantee money was submitted.

The Monitoring Committee and the CEC will submit a status report within a period of seven weeks from today with regard to the implementation and execution of the R&R Plans. In case the Monitoring Committee and the CEC are *ad-idem* that R&R work is complete, the guarantee money can be refunded to the Category B mining lease holders. If the R&R Plans have not been fully implemented, a copy of the report will be furnished to such mining

lease holders, who shall thereupon submit their reply to the Monitoring Committee and CEC.

Liberty is granted to the parties, as well as the CEC and Monitoring Committee, to approach this Court by way of an appropriate application in case they have any grievances.

Recording the aforesaid, the applications are disposed of.

I.A. No. 76075/2018

At the request of learned counsel for the applicant(s), the present application is not taken up for hearing today.

It will be open to the applicant(s) to file additional documents.

We note the objection raised by the *Amicus Curiae*, that the prayer(s) made in the present application had already been rejected while deciding I.A. No. 141339/2017 on 21.03.2018. The *Amicus Curiae*, therefore, submits that the present application is not maintainable.

Learned counsel for the applicant(s) will examine the said aspect.

I.A. Nos. 113399/2018, 108707/2018 and 108710/2018

In view of the order dated 14.03.2024, the applications would be treated as disposed of with liberty to file fresh application(s).

I.A. No. 151195/2018

Learned Senior Advocate appearing for the applicant(s) seeks permission to withdraw the present application.

In view of the statement made, the application is dismissed as withdrawn.

It is stated that SLP(C) Diary No. 1663/2019 and SLP (C) No. 2928/2019 are pending before this Court.

We clarify that withdrawal of the present application should not be treated as having any bearing on the stand of the applicant(s) viz. the said special leave petitions.

I.A. No. 162474/2018

Learned counsel for the applicant(s) seeks permission to withdraw the present application.

In view of the statement made, the application is dismissed as withdrawn.

I.A. No. 174816/2018

Learned counsel for the applicant(s) states that in view of the subsequent developments and events, the present application has become infructuous.

In view of the statement made, the application is dismissed as infructuous.

I.A. Nos. 392/2019 and 394/2019

None is present to press the present applications.

It appears that the applications have become infructuous.

Accordingly, the applications are dismissed in default.

I.A. No. 13037/2019 in I.A. No. 37377/2018

This is an application seeking permission to file additional documents in I.A. No. 37377/2018.

As I.A. No. 37377/2018 has been dismissed in default, the present application has become infructuous.

Accordingly, the application is dismissed as infructuous.

I.A. No. 55164/2019

This application is disposed of in view of the directions given in the order of this Court dated 14.03.2024 with liberty to the applicant(s) to approach this Court, if required and necessary.

I.A. Nos. 57602/2019, 57603/2019 and 57605/2019

Learned counsel for the applicant(s) seeks permission to withdraw the present applications.

In view of the statement made, the applications are dismissed as withdrawn.

I.A. No. 58060/2019 in I.A. No. 24335/2018

None is present to press the present application.

Accordingly, the application is dismissed in default.

I.A. Nos. 58584/2019 and 58587/2019

Learned Senior Advocate appearing for the applicant(s) seeks permission to withdraw the present applications.

In view of the statement made, the applications are dismissed as withdrawn.

I.A. No. 119035/2019

The present application is to be dismissed in view of this Court's order dated 14.03.2024.

Accordingly, the application is dismissed.

We, however, clarify that the dismissal of the present application will not have any bearing on the question of stock, which issue, it is stated, has been raised in a separate application.

I.A. Nos. 45772/2023, 45775/2023 and 45779/2023

On mentioning, the applications are taken on Board.

Learned counsel appearing for the applicant(s) seeks permission to withdraw the present applications.

In view of the statement made, the applications are dismissed as withdrawn.

I.A. Nos. 143275/2019, 143282/2019 and 143284/2019

We reject the prayer for a change of categorization. The categorization was undertaken after a detailed consideration in 2012-2014. These applications are filed later in 2019.

The orders passed by this Court in 2013-2014 were in the public domain and known to parties.

In view of the delay and lapses, we are not inclined to re-examine the facts. The prayer(s) made is rejected.

The applicant(s) also states that in terms of the grant of renewal of the mining lease vide Government of Karnataka's order dated 21.03.2012, the applicant(s) was only entitled to mine

manganese ore and not iron ore. This issue is not directly related to the present litigation.

In case the applicant(s) has any grievance, he can raise the same before the appropriate forum, in accordance with law. We make no comments either way on merits in this regard.

The applications are disposed of in the above terms.

I.A. No. 17241/2020

None appears to press the present application.

It appears that the application may have become infructuous.

Accordingly, the application is dismissed in default.

I.A. No. 29569/2020

This application has to be rejected in view of the reasons given while dismissing I.A. No. 119035/2019. The application is accordingly dismissed.

The undertaking given by the State of Karnataka will be treated as non-effective.

Learned Senior Advocate appearing for the applicant(s) states that the issue with regard to the excavated ore has not been raised in the application. We make no comments in this regard.

The dismissal of the present application will not operate as *res judicata* on issues not raised in the present application.

I.A. No. 21884/2020

To await the report(s) of the CEC and the Monitoring Committee, and reply/response thereto, re-list in the week



commencing 20.08.2024.

I.A. Nos. 65646/2020 and 65648/2020

In view of the order dated 14.03.2024, we dispose of the present application with the liberty to the applicant(s) to file a fresh application, if required and necessary.

I.A. No. 85163/2020

Issue notice to the CEC and the Monitoring Committee, which may submit their respective reply within a period of six weeks from today. Rejoinder affidavit, if any, will be filed within six weeks after service of reply.

I.A. No. 113703/2021

The present application has become infructuous in view of the subsequent development and orders passed by this Court.

Accordingly, without making any comments on the merits, this application is disposed of as infructuous.

I.A. Nos. 115375/2021 and 115376/2021

These applications were disposed of *vide* this Court's order dated 22.03.2023, permitting the applicant(s) to remove 16060 MT iron ore available at the site.

It is stated that the State Government is not complying with the said order and permitting the removal.

The applicant(s) is permitted to file a representation with the State Government for removal of the said material in terms of

this order. In case the State Government has any reservation or issue with regard to the grant of permission, they must approach this Court by way of an appropriate application, otherwise, directions given in the order should be complied within a period of six weeks from today.

I.A. Nos. 134904/2020, 134905/2020 and 134908/2020

Issue notice to the State of Karnataka.

Notice is accepted by Mr. Nishanth Patil, learned counsel for the State of Karnataka, who is present in Court.

Counter affidavit/reply may be filed within four weeks from today.

Rejoinder affidavit, if any, will be filed within four weeks after service of counter affidavit/reply.

Re-list alongwith I.A. No. 124132/2022.

I.A. No. 125908/2020

No one appears to press the application.

It appears that the present application has become infructuous in view of the subsequent development and orders passed by this Court.

Accordingly, the application is dismissed in default.

I.A. No. 13375/2021

In view of the order dated 14.03.2024, the present application is disposed of with liberty to the applicant(s) to file a fresh application, if required and necessary.

I.A. No. 135888/2021 in I.A. No. 113703/2021

Learned counsel for the applicant(s) seeks permission to withdraw the present application.

In view of the statement made, the application is dismissed as withdrawn.

I.A. No. 56182/2022

This application has become infructuous in view of the subsequent development and orders passed by this Court.

Accordingly, the application is disposed of as infructuous.

I.A. No. 85948/2022

Learned counsel for the applicant(s) states that in view of the subsequent development, the present application has become infructuous.

In view of the statement made, the application is dismissed as infructuous.

I.A. No. 103574/2022 in I.A. No. 119035/2019 and

I.A. No. 106508/2022 in I.A. No. 119035/2019

It is stated that the present applications do not survive, as I.A. No. 119035/2019 has been disposed of.

In view of the statement made, the applications are dismissed as not pressed.

I.A. No. 124132/2022

To await the report(s) of the CEC and the Monitoring Committee, and reply/response thereto, re-list in the week commencing 20.08.2024.

I.A. No. 136998/2022

Issue notice.

Mr. Nishanth Patil, learned counsel, who is present in Court on advance notice, waives service and accepts notice on behalf of the State of Karnataka. Hence, notice need not be served.

Counter affidavit/reply, if any, will be filed within a period of four weeks from today.

Rejoinder affidavit, if any, will be file within a period of four weeks after service of the counter affidavit/reply.

Re-list in the week commencing 20.08.2024.

I.A. No.126135/2022

Upon mentioning, the application is taken on Board.

Issue notice.

Mr. Nishanth Patil, learned counsel, who is present in Court on advance notice, waives service and accepts notice on behalf of the State of Karnataka. Hence, notice need not be served.

Counter affidavit/reply, if any, will be filed within a period of four weeks from today.

Rejoinder affidavit, if any, will be filed within a period of four weeks after service of the counter affidavit/reply.

Re-list in the week commencing 20.08.2024.

I.A. No. 225310/2023 in 124132/2022

The present application will be treated as disposed of.

I.A. No. 10884/2022

Learned Counsel for the applicant(s) seeks permission to withdraw the present application.

In view of the statement made, the application is dismissed as withdrawn.

I.A. No. 108867/2022

Learned Counsel for the applicant(s) seeks permission to withdraw the present application.

In view of the statement made, the application is dismissed as withdrawn.

I.A. Nos. 147511/2022 and 147514/2022

List along with I.A. No.124132/2022.

I.A. No. 137180/2022 in I.A. No.67230/2021

List along with I.A. No. 124132/2022.

I.A. No. 137183/2022 in No. 67231/2021

List along with I.A. No. 124132/2022.

I.A. No. 160407/2022

The present application will be treated as disposed of in

terms of our order dated 14.03.2024.

I.A. No. 17304/2023

None appears on behalf of the applicant(s).

Accordingly, the application is dismissed in default.

I.A. Nos. 70118/2023, 70119/2023, 70124/2023 and 70125/2023

Issue notice and tag with I.A. No.124132/2022.

Mr. Nishanth Patil, learned counsel, who is present in Court on advance notice, waives service and accepts notice on behalf of the State of Karnataka. Hence, notice need not be served.

Counter affidavit/reply, if any, will be filed within a period of four weeks from today.

Rejoinder affidavit, if any, will be file within a period of four weeks after service of the counter affidavit/reply.

Re-list in the week commencing 20.08.2024.

I.A. No. 74329/2023 and 74332/2023

Learned counsel for the applicant(s) seeks permission to withdraw the present applications.

In view of the statement made, the applications are dismissed as withdrawn.

I.A. No. 56287/2023 and 56284/2023

None is present on behalf of applicant(s).

The applications are dismissed in default.

I.A. No.17304/2023

Learned counsel for the applicant(s) seeks permission to withdraw the present application.

In view of the statement made, the application is dismissed as withdrawn.

I.A. No. 83958/2023

Learned counsel for the applicant(s) seeks permission to withdraw the present applications.

In view of the statement made, the application is dismissed as withdrawn.

I.A. No. 116572/2023

Learned counsel appearing on behalf of the Karnataka Mining Environment Restoration Corporation<sup>7</sup> and JSW Steel state that the present application has become infructuous.

In view of the statement made, the application is dismissed as infructuous.

In case the parties have any grievance, they are given liberty to approach the Court.

I.A. No. 140271/2023

Learned counsel for the applicant(s) seeks permission to withdraw the present application with liberty to file a fresh application at a later stage.

In view of the statement made, the application is dismissed as

<sup>7</sup> For short, "KMERC".

withdrawn with liberty as prayed.

I.A. No. 140674/2023

In view of our order dated 14.03.2024, no further orders are required in the present application.

The application will be treated as disposed of with liberty to the applicant(s) to file fresh application at a later stage, if required and necessary.

I.A. No. 155032/2023

The prayer made in the present application is allowed.

Payment may be made in terms of the Office Order dated 11.10.2022 passed by the Karnataka Mining Environment Restoration Corporation.

I.A. No. 225561/2023

To await the report(s) of the CEC and the Monitoring Committee, and reply/response thereto, re-list in the week commencing 20.08.2024.

I.A. No. 48719/2023

To await the report(s) of the CEC and the Monitoring Committee, and reply/response thereto, re-list in the week commencing 20.08.2024.

I.A. Nos. 130529/2023, 130534/2023 and 130541/2023

We are not inclined to entertain the present applications and



hence, the same are dismissed.

I.A. Nos. 79174/2024, 79175/2024 and 79176/2024

Issue notice.

Mr. Nishanth Patil, learned counsel, who is present in Court on advance notice, waives service and accepts notice on behalf of the State of Karnataka. Hence, notice need not be served.

Counter affidavit/reply, if any, will be filed within a period of four weeks from today.

Rejoinder affidavit, if any, will be file within a period of four weeks after service of the counter affidavit/reply.

Re-list in the week commencing 20.08.2024.

I.A. Nos. 62872/2020, 60662/2020 and 60664/2020

To await the report(s) of the CEC and the Monitoring Committee, and reply/response thereto, re-list in the week commencing 20.08.2024.

Writ Petition (C) No. 562/2009

All pending applications in the applications disposed of/dismissed/allowed today in Writ Petition (C) No. 562/2009 stand disposed of.

Writ Petition (C) No. 768/2013

Re-list along with all pending applications in the week commencing 20.08.2024.

We wish to clarify that if a party has any grievance or issue with the action, in-action or report of the CEC, the Monitoring

Committee or the Oversight Authority in respect of the mining leases in the three districts, namely, Bellary, Chitradurga and Tumkur in Karnataka, they should approach this Court by filing an application. Normally, the High Court should not entertain an application/issue/dispute, as the matter is *sub-judice* and this Court is in *seisin*. Albeit, this Court can direct the parties to approach the High Court, if required and necessary.

.....J.  
(SANJIV KHANNA)

.....J.  
(M.M. SUNDRESH)

.....J.  
(BELA M. TRIVEDI)

NEW DELHI;  
APRIL 03, 2024.