

ITEM NO.45

COURT NO.8

SECTION XVII

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

Civil Appeal No(s). 3661-3662/2020

THE STATE OF BIHAR & ORS.

Appellant(s)

VERSUS

PAWAN KUMAR & ORS.

Respondent(s)

(IA No. 143010/2022 - INTERVENTION APPLICATION
IA No. 143002/2022 - MODIFICATION OF COURT ORDER AND IA NOS. 59157
OF 2023)

Date : 28-03-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE VIKRAM NATH

For Appellant(s)

Mr. A.N.S. Nadkarni, Sr. Adv.
Mr. Rishi K. Awasthi, Adv.
Mr. Azmat Hayat Amanullah, AOR
Mr. Piyush Vatsa, Adv.

For Respondent(s)

Mr. Pinaki Misra, Sr. Adv.
Mr. Gopal Sankaranarayanan, Sr. Adv.
Mr. Kripa Shanka Prasad, Adv.
Mr. Pankaj Bhagat, AOR

Mr. Rajiv Shankar Dvivedi, AOR

Mr. Vanshdeep Dalmia, AOR
Mr. Anis Jain, Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Archana Pathak Dave, Adv.

Ms. Suhashini Sen, Adv.
Ms. Ruchi Kohli, Adv.

Mr. Arvind Kumar, Adv.
Mr. Aditya Singh, AOR

Mr. Santosh Mishra, AOR
Mr. Ansar Ahmad Chaudhary, AOR

Ms. Rita Jha, AOR
Ms. Nishtha Kumar, AOR
Mr. Ankit Kumar Lal, AOR
Mr. Anand Varma, AOR
Mr. Dharmendra Kumar Sinha, AOR

Mr. Rohit Kumar Singh, AOR
Ms. Sardhapurana Mukherjee, Adv.
Mr. Shubham V. Gawande, Adv.
Mr. Rohit Khurana, Adv.
Ms. Shweta Priyadarshini, Adv.
Ms. Jahanvi Worah, Adv.
Ms. Chandani Arora, Adv.

Mr. Pankaj Bhagat, AOR
Ms. Savita Singh, AOR
Mr. Rajat Mittal, AOR
Mr. Siddhant Buxy, AOR
Mr. Aakash Sirohi, AOR

Ms. Fauzia Shakil, Adv.
Mr. Ujjwal Singh, Adv.
Mr. Madhan Raj, Adv.

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

IA Nos. 59157 of 2023

1. The present application is filed with following prayers:
 - (a) Consider and allow the Applicant State to carry out sand mining by BSMCL through contractors, as an interim measure till 30.06.2023; and/or
 - (b) Direct SEIAA to grant the Environmental Clearances already uploaded on the portal prior to the expiry of the aforesaid date i.e. 30.06.2023;

2. In so far as prayer clause (a) is concerned, the application is vehemently opposed by Mr. Pinaki Misra, Mr. Gopal Sankaranarayanan, learned senior counsel and Mr. Vanshdeep Dalmia, Ms. Fauzia Shakil, learned counsel, appearing for the different parties.

3. It is submitted that on the one hand, the State is not finalizing the DSRs and on the other hand in the garb of seeking extension, the mining activities, contrary to law, are permitted.

4. The Court while granting the permission had taken into consideration, the conflict between legal mining and illegal mining. The need of sand for construction and development activities had also taken into consideration.

5. The extension for mining activities is sought on the ground that the SEIAA has not yet granted environmental clearances.

6. Since the environmental clearances have not been granted by the SEIAA, the State cannot be prevented from carrying out the mining activities.

7. We find that it will be more appropriate that the State is permitted to carry out the mining activities and earn revenue for the State rather than illegal mining being permitted, whereby causing loss to the public exchequer also.

8. However, we are inclined to grant the extension by way of last chance. The application is allowed in terms of the prayer clause (a) and (b).

8. However, we clarify that in no circumstances, the SEIAA would be granted further extension for considering the grant of

environmental clearances.

9. We request the learned counsel for the SEIAA to communicate this order to the Chairman of the SEIAA.

10. In case, the direction, as issued, is not followed, we will be constrained to take serious view of the matter.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)