

ITEM NO.63

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).12449/2018

(Arising out of impugned final judgment and order dated 04-05-2018 in WP No. 3/2018 passed by the High Court of Judicature at Bombay At Goa)

CHOWGULE AND COMPANY PRIVATE LIMITED

Petitioner(s)

VERSUS

GOA FOUNDATION &amp; ORS.

Respondent(s)

WITH

SLP(C) No. 12328-12330/2018 (IX)

Diary No(s). 17815/2018 (IX)

Date : 11-05-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For Petitioner(s) | Mr. Mukul Rohatgi, Adv.<br>Mr. Dhruv Mehta, Sr. Adv.<br>Mr. Ninad Laud, Adv.<br>Mr. Sumit Goel, Adv.<br>Mr. Kshatrshal Raj, Adv.<br>Ms. Malvika Bhannot, Adv.<br>Mr. Ivo D'Costa, Adv.<br>for M/S. Parekh & Co.<br><br>Mr. Shyam Divan, Sr. Adv.<br>Mr. Huzefa Ahmadi, Sr. Adv.<br>Mr. Yashraj Singh Deora, AOR<br>Ms. Ninotska Pimenta, Adv.<br>Ms. Ragya Vaidehy Singh, Adv.<br>Ms. Asmita Singh, Adv.<br><br>Mr. Yashraj Singh Deora, Adv.<br>Ms. Asmita Singh, Adv.<br>Ms. Ragya Vaidehy Singh, Adv. |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                   |                                                                                                                                                        |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| For Respondent(s) | Mr. A.N.S. Nadkarni, ASG<br>Ms. Ruchira Gupta, Adv.<br>Mr. Salvador Santosh Rebello, Adv.<br>Ms. Nivedita Nair, Adv.<br>Ms. Mayuri Nayyar Chawla, Adv. |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|

Mr. Mayur Jaisingh, Adv.  
Mr. Anurag Sharma, Adv.  
Mr. Shishir Deshpande, AOR

Mr. Prashant Bhushan, AOR  
Mr. Pranav Sachdeva, Adv.

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

Issue notice.

Mr. Shishir Deshpande and Mr. Prashant Bhushan,  
learned counsel accept notice.

We have heard learned counsel for the parties at some  
length.

It is categorically stated by learned counsel for the  
petitioners that the iron ore which is sought to be  
loaded on the vessels in the Port area in Goa is royalty  
paid and it was removed and brought to the jetties on or  
before 15<sup>th</sup> March, 2018.

Under these circumstances, we are of the view that  
the iron ore which is royalty paid and which is lying on  
the jetties on or before 15<sup>th</sup> March, 2018 should be  
permitted to be loaded on the barges and on the vessels  
so that they can be transported to their destinations.

The State of Goa will ensure and confirm that only  
that iron ore is loaded which is royalty paid and which  
is lying in the jetties on or before 15<sup>th</sup> March, 2018.

Insofar as the other issues are concerned, since the  
matter is already pending in the High Court, we do not  
propose to deal with them and leave it to the High Court

to adjudicate.

An allegation has been made by learned counsel appearing for Goa Foundation that rampant mining took place after the order passed on 7<sup>th</sup> February, 2018 till 15<sup>th</sup> March, 2018.

We would like to have full details about the mining that has taken place during the period from 7<sup>th</sup> February, 2018 till 15<sup>th</sup> March, 2018.

We make it clear that there will be no movement of iron ore until further orders except the iron ore which has reached the jetties.

List the matter in the third week of July, 2018.

(SANJAY KUMAR-I)  
AR-CUM-PS

(CHANDER BALA)  
COURT MASTER