

ITEM NO.1501

COURT NO.5

SECTION XVII

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

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

THE STATE OF BIHAR & ORS.

Appellant(s)

VERSUS

PAWAN KUMAR & ORS. ETC.

Respondent(s)

(HEARD BY HON'BLE L.NAGESWARA RAO, HON'BLE SANJIV KHANNA AND HON'BLE B.R.GAVAI, JJ.] IA No.115437/2020-EX-PARTE AD-INTERIM RELIEF and IA No.115442/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.115441/2020-EXEMPTION FROM FILING O.T. and IA No.115436/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 10-11-2021 These appeals were called on for pronouncement of order today.

For Appellant(s) Mr. Azmat Hayat Amanullah, AOR
 Mr. Rishi Kr. Awasthi, Adv.
 Ms. Piyush Vatsa, Adv.

For Respondent(s) Mr. Rajiv Shankar Dvivedi, AOR
 Mr. Alok Sangwan, Adv.
 Mr. Sumit Kumar Sharma, Adv.
 Mr. Anurag Kulharia, Adv.
 Mr. Sandeep, Adv.
 Mr. Krishan Yadav, Adv.
 Ms. Diksha Sharma, Adv.
 Mr. S.K. Sarkar, Adv.
 Mr. Rishabh Jain, Adv.

Mr. P.S.Patwalia, Sr. Adv.
Mr. Vanshdeep Dalmia, AOR
Ms. Natasha Dalmia, Adv.
Ms. Shevali Choudhary, Adv.
Mr. G.S.Patwalia, Adv.
Mr. Harshik Verma, Adv.
Mr. Sadapurma Mukherjee, Adv.

Ms. Aishwarya Bhati, Ld. ASG
Mr. Bimal Roy Jad, Sr. Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. Anish Kr. Gupta, Adv.
Ms. Archana Pathak Dave, Adv.

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

Mr. Dharmendra Kumar Sinha, AOR
 Mr. Ajit Upadhyay, Adv.

Mr. Rohit Kumar Singh, AOR
 Ms. Sadapuran Mukherjee, Adv.
 Mr. Rahul Kumar Gupta, Adv.
 Ms. Chandni Arora, Adv.
 Ms. Aditi Shahi, Adv.

Mr. Pankaj Bhagat, AOR
 Mr. Sadapurna Mukherjee, Adv.

Mr. Anand Varma, AOR

Hon'ble Mr. Justice B.R. Gavai pronounced the order of the Bench comprising Hon'ble Mr. Justice L. Nageswara Rao, Hon'ble Mr. Justice Sanjiv Khanna and His Lordship.

The directions issued by the Tribunal vide judgment and order dated 14th October 2020, are substituted as follows:

- (i) The exercise of preparation of DSR for the purpose of mining in the State of Bihar in all the districts shall be undertaken afresh. The draft DSRs shall be prepared by the sub-divisional committees consisting of the Sub-Divisional Magistrate, Officers from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geological or mining officer. The same shall be prepared by undertaking site visits and also by using modern technology. The said draft DSRs shall be prepared within a period of

6 weeks from the date of this order. After the draft DSRs are prepared, the District Magistrate of the concerned District shall forward the same for examination and evaluation by the SEAC. The same shall be examined by the SEAC within a period of 6 weeks and its report shall be forwarded to the SEIAA within the aforesaid period of 6 weeks from the receipt of it. The SEIAA will thereafter consider the grant of approval to such DSRs within a period of 6 weeks from the receipt thereon;

- (ii) Needless to state that while preparing DSRs and the appraisal thereof by SEAC and SEIAA, it should be ensured that a strict adherence to the procedure and parameters laid down in the policy of January 2020 should be followed;
- (iii) Until further orders, we permit the State Government to carry on mining activities through Bihar State Mining Corporation for which it may employ the services of the contractors. However, while doing so, the State Government shall ensure that all environmental concerns are taken care of and no damage is caused to the environment.

List the matter after 20 weeks.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

(Signed reportable order is placed on the file)