

Common Cause Vs. Union of India .

Common Cause Vs. Union of India .

SooperKanoon Citation : sooperkanoon.com/1227426

Court : Supreme Court of India

Decided On : Aug-11-2020

Appeal No. : 4352 / 2014

Appellant : Common Cause

Respondent : Union of India .

Advocate for Pet/Ap. : Prashant Bhushan

Judgement :

1 IN THE SUPREME COURT OF INDIA CIVIL ORIGINAL JURISDICTION
IA.No.168557/2019 IA.No.168564/2019 IA.No.168569/2019 IA.No.168578/2019 IN
WRIT PETITION (CIVIL) No.114 OF2014 Common Cause . Petitioner(s) Versus
Union of India & Ors. . Respondent(s)

ORDER

1 The abovestated applications are filed by the Applicant M/s Orissa Minerals Development Company Limited (OMDC for short). Since all the applications pertain to the same issue and are between the same parties seeking similar relief, they are disposed of through this common order. WP (C) No.114/2014 2 2. In all these applications the applicant has sought condonation of delay in making the payment pursuant to the order passed by this Court in WP(C)No.114/2017. Further in I.A.Nos.168557/2019 and 168569/2019 the applicant has also sought a direction to the State of Orissa to conduct joint verification of the undisposed stock

and allow sale of the same so as to enable the applicant company to realise the amount. In IA.Nos.168564/2019 and 168578/2019 the applicant has sought permission to resume regular mining operations in view of payment of the entire amount demanded. The applications pertain to the mining lease in favour of the applicant company in respect of Roida Bhadrasahi Iron Ore and Bhadrasahi Iron and Manganese respectively.

3. This Court while disposing of WP No.114 of 2014 through the order dated 02.08.2017 had directed that the applicant company shall pay compensation on or before 31.12.2017. Since there is delay in payment, condonation of the same is sought and the further relief as indicated above is prayed.

4. The State of Orissa in its reply to the applications has stated that the compensation amount as ordered by this WP (C) No.114/2014 3 Court under Section 21(5) of the M.M.D.R. Act, 1957 has been fully paid by the applicant company along with interest in respect of all the mining leases held by the Applicant OMDC. In that view, since the interest is stated to have been paid for the period of delay, we find it expedient to condone the delay. Further since the compensation amount along with interest has been paid as directed by this Court and the receipt of the same is acknowledged by the State of Orissa, we also consider it appropriate to grant the further relief sought in the applications. At this point we also take note of the submission of the learned Solicitor General that in similar circumstances, through the order dated 29.01.2020 identical prayers as made in IA.Nos.62602/2019 and 62606/2019 were allowed by this Court and the instant applications were ordered to be listed after a week so as to enable the learned counsel for the State of Orissa to ascertain whether the payment has in fact been made by the applicant company. As noted, the payment made by the Applicant is acknowledged by the State of Orissa.

5. Accordingly, the following order: WP (C) No.114/2014 4 (i) The delay in payment of the compensation along with interest is condoned; The Applicant OMDC be permitted to resume (ii) mining operations subject to all necessary clearances required in accordance with law being obtained; The Competent Officers of the State of Orissa (iii) shall also conduct a joint verification

of the undisposed stock and allow sale of the same by the ApplicantOMDC on following due procedure. The above applications are accordingly disposed of. [S.A. BOBDE]. CJI. [A.S. BOPANNA]. ..,J.

.,J.

[V. RAMASUBRAMANIAN]. New Delhi, August 11, 2020 WP (C) No.114/2014

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com