

State Of Jharkhand vs Satya Saw Mill on 24 January, 2020

Bench: A.M. Khanwilkar, Dinesh Maheshwari

1

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 639 OF 2020
(Arising from SLP(C) No.21825/2017)

STATE OF JHARKHAND & ORS.

...AP

VERSUS

SATYA SAW MILL & ORS.

...RE

WITH

SPECIAL LEAVE PETITION (C) No.21826/2017

O R D E R

CIVIL APPEAL NO.639/2020 @ SLP(C) No.21825/2017

1. Leave granted.

2. This appeal takes exception to the judgment and order dated 15.03.2016 passed by the High Court of Jharkhand at Ranchi in L.P.A. No.448 of 2014.

3. Respondent No.1 (M/s. Satya Saw Mill through its Proprietor) made application(s) for grant of Saw Mill License to the State Authority, which declined the request on the ground that he was involved in confiscation cases. The matter was then taken to the Central Empowered Committee, which confirmed the said order. Aggrieved by the aforementioned decision, writ petition was filed CHARANJEET KAUR Date: 2020.01.27 17:41:32 IST Reason:

before the High Court being Writ Petition No.1951 of 2013. That Writ Petition was allowed by the learned Single Judge on the ground that the minutes of the three Member Committee had provided for stipulation of involvement in more than three confiscation cases, whereas respondent No.1 was involved only in three confiscation cases.

4. Against the order passed by the learned Single Judge, the State had filed Letter Patents Appeal before the Division Bench of the High Court being L.P.A. No.448 of 2014, which has been dismissed by the Division Bench of the High Court.

5. Feeling aggrieved, present appeal has been filed.

6. We have heard counsel for the parties including the learned amicus curiae, Shri A.D.N. Rao, who has invited our attention to the direction issued by this Court on 5 th October, 2015 in I.A. No.2365 in Writ Petition No.202 of 1995 titled T.N. Godavarman Thirumulpad vs. Union of India & Ors., which clearly indicates that all future cases must be examined by the MoEFCC if the decision passed by the State Level Committee is not acceptable to the concerned applicant.

7. In light of the said direction, we set aside the order passed by the learned Single Judge and confirmed by the Division Bench, which is impugned in this appeal and instead relegate respondent No.1 before the Ministry of Environment, Forest and Climate Change (MoEFCC) for considering the application preferred by respondent No.1 on its own merits in accordance with law.

8. We express a word of appreciation for the able assistance given by Shri A.D.N. Rao, learned amicus curiae.

9. The appeal is accordingly allowed. All pending applications are also disposed of.

In view of the order passed in companion appeal nothing survives in this petition. The same is accordingly dismissed.

Pending interlocutory applications, if any, shall stand disposed of.

.....,J.

(A.M. KHANWILKAR)J.

(DINESH MAHESHWARI)

NEW DELHI
JANUARY 24, 2020

ITEM NO.41

COURT NO.6

SECTION XVII

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). 21825/2017

(Arising out of impugned final judgment and order dated 15-03-2016 in LPA No. 448/2014 passed by the High Court Of Jharkhand At Ranchi) STATE OF JHARKHAND & ORS. Petitioner(s) VERSUS SATYA SAW MILL & ORS. Respondent(s) WITH SLP(C) No. 21826/2017 (XVII) (IA No. 42293/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 42292/2017 - EXEMPTION FROM FILING O.T.) Date : 24-01-2020 These petitions were called on for hearing today. CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR HON'BLE MR. JUSTICE DINESH MAHESHWARI Amicus Curiae Mr. A.D.N. Rao, Adv. For Petitioner(s) Mr. Anand Mishra, AOR Mr. Amrendra Kumar Singh, Adv. Ms. Shivangi Popli, Adv.

Mr. Gopal Prasad, AOR Mr. Jayesh Gaurav, Adv.

Ms. Shalya Agarwal, Adv.

For Respondent(s) Mr. Anand Mishra, AOR Mr. Amrendra Kumar Singh, Adv. Ms. Shivangi Popli, Adv.

Mr. Gopal Prasad, AOR Mr. Jayesh Gaurav, Adv.

Ms. Shalya Agarwal, Adv.

UPON hearing the counsel the Court made the following O R D E R Leave granted.

The appeal is allowed. All pending applications are also disposed of. In view of the order passed in companion appeal nothing survives in this petition. The same is accordingly dismissed.

Pending interlocutory applications, if any, shall stand disposed of.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

(Signed order is placed on the file.)