

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
WESTERN ZONE BENCH, PUNE.**

APPEAL NO. \_\_\_\_\_ 2024 (W.Z.)

In the matter of

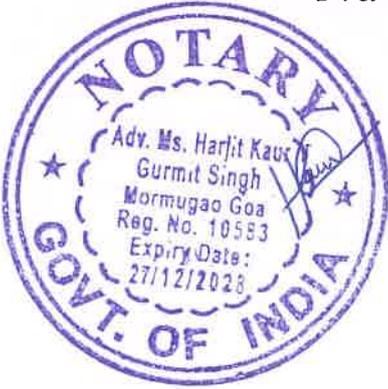
Vijay Ravalnath Gaonkar & Others

... Appellants

Versus

Rajaram Bandekar (Sirigao) Mines  
Pvt. Ltd. And Others

... Respondents



**AFFIDAVIT IN REPLY OF RESPONDENT NO. 1**

I, Rajan N. Bandekar, major of age, Indian national, businessman, director of Respondent No. 1, having office at 601, Dr. Ozler Forum, near St. Andrews Church, P. O. Box No. 31, Vasco da Gama, Goa, do hereby state and/or submit on solemn affirmation as under:

(1) I have read and understood the contents of the memorandum of the aforementioned appeal ("appeal"). I am conversant with the facts of the case and am competent and authorised to affirm this affidavit in reply ("reply") on

A handwritten signature in black ink, consisting of a stylized 'R' followed by a loop.

behalf of Respondent No. 1. I say that a copy of a resolution of Respondent No. 1 authorising me to affirm this reply is at **Annexure A**.

(2) I deny all and singular the contents of the appeal, to the extent that they are contrary and/or repugnant to what is stated herein. I crave leave to file such other and/or further affidavit as may be necessary. I say that though this affidavit might not traverse every averment in the appeal, none of the contents thereof, not expressly denied, addressed and/or otherwise dealt with, herein, unless expressly admitted, may, only for specific traverse be deemed to be admitted by Respondent No. 1.

(3) I understand that the appeal is filed against Environment Clearance (EC) order dated 09/09/2024 issued by Ministry of Environment, Forests & Climate Change, Government of India ("MOEF&CC") to Respondent No. 1 for mining of Iron Ore (Open Cast Mining) with capacity of 0.5 MTPA in the Mining Block No. III, *i.e.*, a mining lease area of 95.6712 hectares located in Block No. III Monte De Sirigao Mineral Block at Sirigao and Maem villages of Bicholim taluka of North Goa District, Goa.



(4) I submit that the following preliminary objections are raised to the maintainability or entertainment of the appeal:

(a) I submit that the appeal is not maintainable, and/or at least ought not to be entertained, as the Appellants have not objected to the auction in respect of the said Mineral Block at the appropriate stage. I submit that the Notice Inviting Tender of e-auction of the four mining blocks, including the said Mining Block, were issued on 30/09/2022, (and a corrigendum in respect thereof was issued on 08/11/2022). I say that the e-auction was conducted between 14/12/2022 & 20/12/2022. I submit that normally before such a project is undertaken, a detailed consideration of the need, viability, financing and cost-effectiveness of the proposed project and offers received takes place at various levels in the Government. I submit that if there is a good reason why the project should not be undertaken, then the time to object is at the time when the same is under consideration and before a final decision is taken to undertake the project. I submit that if breach of law in the execution of the project is apprehended, then it is at the stage when viability of the



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project is being considered that must be raised objections before the appropriate authorities, including the Court. I say that the Appellants have not filed any such objections. The objections now taken are similar to the ones taken before the Hon'ble High in the pending Public Interest Litigation Writ Petition No. 33/2023. I submit that the basis for these objections are that this Respondent No. 1 should not have been considered for the auction for the reasons stated in the appeal which are analogous to the ones taken in the Public Interest Litigation Writ Petition No. 33/2023. I submit that evidently, such objections by way of challenge to the Environmental Clearance should not be allowed to be taken in this appeal, or the appeal is not maintainable on the grounds alleged in the appeal.

(b) I submit various grievances of the villagers of Shirgao (Sirigao), which they allege to be on account of mining activity undertaken by various mining lease holders, in different mining concessions, including Mining Concession No. TC/4/1949, which forms part of the said Mining Block, were considered in Public Interest Litigation Writ Petition No. 1/2008 before the Hon. High Court of Bombay at Goa ("High Court"). I submit that Respondent No. 1 was a party



respondent to the said petition, in which the grievances of the Appellants were addressed from time to time by various orders of the Hon. High Court of Bombay at Goa ("Hon. High Court"). I submit that in Order dated 16/01/2023, copy of which is at **Annexure B**, the Hon. High Court has recorded a specific statement of counsel appearing for those petitioners, *i.e.*, villagers of Shirgao (Sirigao), that "all issues concerning the Petitioner are sorted out". I submit that the appeal seeks to urge the very same grounds again, which is wholly impermissible, and the appeal is liable to be dismissed on this ground alone.

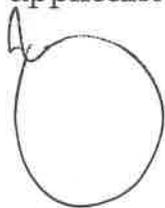
(c) I submit that the primary allegation of the petitioners in Public Interest Litigation Writ Petition No. 1/2008, *supra*, before the Hon. High Court. against the mining lease holders/companies, is that it is on account of illegal mining by them and/or for reasons attributable to them, that there has been environmental degradation in the village eco-system, and they allege further that the villagers were deprived of basic amenities and/or rights. I submit that however, the Appellants, apart from making bare allegations, have failed to establish any illegality and/or violations on the part of Respondent No. 1. I submit that



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Respondent No. 1 has assisted the Hon. High Court and has contributed in the manner deemed fit by the Hon. High Court, in the endeavour to ameliorate the living conditions of the village of Shirgao (Sirigao), and undertaken such projects and measures deemed appropriate by the Hon. High Court, and the concerned authorities, to improve the infrastructure and amenities in the Shirgao (Sirigao). I submit that the fact that Respondent No. 1 has done so, cannot by any stretch of imagination be construed to be an admission of any violation that may be alleged. I submit that as they failed to obtain any relief in respect of legitimate mining activity undertaken up Respondent No. 1 in its mining lease area, the Appellants have now filed the aforesaid appeal, in an attempt to agitate the very same issues afresh and obstruct the mining operations of Respondent No. 1. I submit that in view of this conduct of the Appellants, they are not entitled to relief.

(d) I submit that moreover, the appeal is not genuine, and the Appellants have apparently been propped up to falsely take the mask of acting in public interest, apparently by a disgruntled applicant in the auction



and/or the appeal has been filed with oblique motives and the villagers themselves are opposed to this appeal.

(5) I say that without prejudice to the above I shall respond to the appeal on merits.

(6) I say that Respondent No. 1 was the beneficiary of Title of Mining Concession No. TC/4/49 in Goa, granted by the erstwhile Portuguese regime in Goa. I say that the mining concession pertains to a mine of iron ore, situated at Shrigao (Sirigao), Bicholim, Goa. I say that in 1987, Government of India enacted the *Goa Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987*, by which various mining concessions in Goa (including that of Respondent No. 1) were deemed to be mining leases, which eventually came to be terminated in 2018. I say that over the years, Respondent No. 1 has undertaken mining activity in compliance with all the applicable regulations and the terms and conditions of all the approvals.

(7) I say that the Assonora river is the primary water body in the area. I say that the course of the river

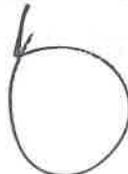


commences from a hilltop in Adval Pale/Nanora village, then flows via Assonora, then to Shirgao (Sirigao) village, before it flows further to join the Arabian Sea. I say that a large part of the course of the said river is on the slope of a hillock, and it finds flat terrain, only when it reaches Shirgao (Sirigao), where the flow and/or current of the water get reduced. I submit that at this point this river also gets a backwater effect, due to which materials carried by its waters, for as far as 20 kilometers gets settled at this point, raising the river-bed level in consequence thereof. I submit that large portions of the lands are marshy in nature, and are fed by water that flows from nearby natural springs and partly on account of tidal flow of saline water, and even mangroves have come up in this marshy area.

(8) I say that I cannot comment on the heritage and cultural value of Devi Lairai Temple as urged in the Appeal. I say that from the operational experience in the said area, it is clear that the Goddess Devi Lairai is revered in village Shirgao (Sirigao) and Respondent No. 1 has not in any manner disturbed the sentiments of the villagers in that regard or otherwise. I say that Respondent No. 1 was a



major sponsor for the construction of a new temple and further has also expended an amount of Rs. 1,50,00,000/- for the construction of a 'multi-purpose hall' in Sirigao (Shirgao). I say that I am not aware about the intricacies of the Goddess Devi Lairai festival and the rituals involved in the same. I submit that the old temple of Goddess Devi Lairai, does not fall within the mining lease area of Respondent No. 1. I say that the Devi Lairai temple as it exists today was outside the subject mine area and I deny any assertions of the Appellants to the contrary. I however deny that mining activity under the Respondent No. 1 destroyed matters described in paragraph nos. 6 & 7 of the appeal. I deny that Respondent No. 1 has in any manner damaged the ecology and resources of the village. I deny that that the lands, agricultural lands, barad lands, pisciculture, cattle, fruits, cashew groves, and mango groves were all progressively ruined. I deny that not a inch of the village was left without significant negative impact. I say that the habitation of Shirgao (Sirigao) village was outside the mining lease area. I say that Shirgao (Sirigao) village habitation and their agricultural land is on the western side of the hillock I say that and the subject mine is on the eastern side of a hillock. I deny that mining



activity of Respondent No. 1 adversely affected the environment of Shirgao (Sirigao) village.

(9) I say that I do not admit the contents of paragraph nos. 8 & 9 in the manner they are couched by the Appellants, and I crave leave to refer to and/or rely upon the original title of concession, and/or its contents, to determine its true and/or correct, scope, amplitude and/or import and/or the true and correct position of fact.

(10) I do not admit the assertions of the Appellants as to what the purpose of any survey between 1972-1975 was, and these claims, with regards to the purpose of the survey are not evidenced by any material produced on record by the Appellants. I emphatically deny that Respondent No. 1 has taken advantage of the fact that no survey numbers were mentioned in the T.C. No. 4/49 and illegally occupied and mined Comunidade land consisting of an entire hill of approximately 130 Hectares located at old Survey No. 95 (New Survey Nos. 80, 83, 82 and 85) of Sirigao village. I say that the leases granted during the Portuguese era were clearly identified by way of a plan. I say that the leases at the relevant time



were issued in keeping with the requirement of the applicable law and after consultation of the stakeholders as required under the law. I emphatically deny that this was done by forging mutation entries No. 163 and 37 and inserting their names in the land records (Form I & XIV). I emphatically deny this land belongs to the Comunidade of Sirigao and has many groves, springs, agricultural land (one crop known as barad) etc. I say that all of these allegations of the Appellants are completely unsubstantiated, and the Appellants have not produced any material to even remotely suggest that there is any merit in these allegations. I say that the Comunidade of Sirigao has filed Regular Civil Suit No. 07/2011 before Hon. Civil Judge, Senior Division, "A" Court at Bicholim, Goa and I say that Hon. Civil Judge, Senior Division is yet to decide the rival claims of the parties before it and proceedings are in progress. I submit that the Appellants are jumping gun in asserting allegations as if they were already decided and were the irrefutable gospel truth, which is not true at all. I say that I am confident that justice will indeed be done when at the culmination of the proceedings, the Hon. Civil Judge, Senior Division, which dismiss the suit, as indeed, it deserves to be.



(11) I do not admit the contents of paragraph nos. 11 & 13 in the manner they are couched by the Appellants, and I crave leave to refer to and/or rely upon the Notification dated 07/09/1974 and/or Lease Deed dated 19/07/1991, referred to therein, and/or their contents, to determine their true and/or correct, scope, amplitude and/or import and/or the true and correct position of fact.

(12) I deny that Respondent No. 1 has in any manner damaged the ecology and resources of the village. I deny that that the lands, agricultural lands, barad lands, pisciculture, cattle, fruits, cashew groves, and mango groves were all progressively ruined. I deny the allegation that the as mine is located uphill and the village, downhill, the past seven decades of mining has wreaked havoc on the lives of villagers and the surrounding areas with severe water problems leading to distribution of sintex water tanks to the villagers after their water sources, like wells, were contaminated, water and silt from the mine pits overflowed (washout) covering their agricultural land/fields and contaminated their rivers, etc. I deny that any such damage and/or damage to any functioning wells have



occurred on account of any mining operations of Respondent No. 1.

(13) I deny the allegation that since the mine *i.e.*, mining concession TC No. 4/49 is located uphill and the village downhill, the (past) seven decades of mining has wreaked havoc on the lives of villagers and the surrounding areas with severe water problems after their water sources like wells were contaminated, water and silt from the mine pits of Respondent No. 1 overflowed (washout) covering their agricultural land/fields and contaminated their rivers, etc. I submit that Respondent No. 3 has carried out mining operations in accordance with law, rules and regulations, and I deny the assertion to the contrary in the appeal.

(14) I deny that the allegations that Respondent No. 1 and/or its associates were indulging in gross irregularities involving largescale extraction and sale of ore from the mine, as alleged, and/or that no action appears to have been taken against Respondent No. 1 for the same. I say that Respondent No. 1 submitted all details to Respondent No. 5, and Respondent No. 5 issued a no dues certificate, for the period referred to, copy of which is at **Annexure C. I**



say that the water level in the Dhonachi Talli tank was being measured every day and weekly reports were submitted to the Deputy Collector, Bicholim, and I deny any assertions in the appeal to the contrary.

(15) I say that the Hon. High Court took cognizance of grievances raised by villagers and passed various directions from time to time including directing National Environmental Engineering Research Institute ("N.E.E.R.I."), Nagpur to do a survey and examine water resources of the village. I say that by Order dated 16/06/2008 of the Hon. High Court, copy of which is at **Annexure D**, N.E.E.R.I. was appointed to submit a report in respect of damage caused to water resources, depletion of water in wells and damage to agricultural fields.

(16) I say that N.E.E.R.I. submitted its Report in 2009. I say that in the said Report various observations were made in respect of depletion of water resources and land degradation in Shirgao (Sirigao) village with recommendations to mitigate the adverse effects and remedial measures to be adopted to prevent further depletion. I say that by Order dated 08/07/2010 of the



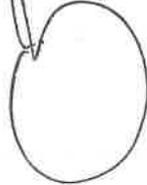
Hon. High Court, copy of which is at **Annexure E**, cognisance was taken of the Report submitted by N.E.E.R.I. and of the direction issued by the Goa State Pollution Control Board ("G.S.P.C.B.") to the mining lease holders/companies including Respondent No. 1 and directions were issued to the G.S.P.C.B. to monitor and ascertain compliance of directions by the mining lease holders/ companies and to file compliance reports before the Court. I say that Respondent No. 1 complied with the directions by the G.S.P.C.B. and compliance reports were filed in respect of the said lease.

(17) I say that the said directions were complied with by Respondent No. 1. I submit that for several years handsome compensation was paid regularly to the petitioners, in that writ petition. I say that at one stage, the three mining lease holders/ companies even cultivated the village fields and produced two bumper crops to the knowledge of the Zonal Agricultural Officer and proved that the fields were cultivable, and that the concerned persons were deliberately keeping them fallow so as to avail of crop loss compensation from the three mining lease holders/companies. I say that Respondent No. 1 has



provided school buses, school uniforms, doctor, nurses and medicines to the Sirigao Villagers over the years. I say that Respondent No. 1, jointly with the other two mining lease holders/companies, have supplied Sintex water storage tanks to each household and also drinking water meters and paid water consumption bills over several years till May 2018.

(18) By Order dated 18/12/2019, copy of which is at **Annexure F**, the Hon. High Court took note of the expenditure of Rs. 4,00,00,000/- indicated by the Water Resources Department, Government of Goa, to undertake work of de-siltation of "Savat Khazan" fields. I say that in the said Order, it is recorded that the mining lease holders/companies disputed that any pollution was caused by them and that they were not liable under the 'Polluter Pays' Principle. I say that it was specifically recorded by the Hon. High Court that in the event dispute is resolved by these mining lease holders/companies, Goa District Mineral Foundation can bear the expenditure. I say that by this Order the Hon. High Court directed the District Mineral Foundation to earmark Rs. 2,00,00,000/- and directed the mining lease holders/ companies to deposit



Rs. 65,00,000/-. I say that Respondent No. 1 complied with the direction and deposited the said amount as directed by the Hon. High Court, with its registry.

(19) I say that by Order dated 25/04/2022, copy of which is at **Annexure G**, the Hon. High Court took note of compliance report filed by Executive Engineer, Water Resources Department, Government of Goa, wherein it was reported that 55.55% of the work was complete, and of the contention raised by the mining lease holders/companies including Respondent No. 1 that they are not liable to pay the amount towards the said works since they had contributed towards the District Mineral Foundation.

(20) I say that by order dated 16/01/2023 (Annexure B, *supra*), the Hon. High Court noted that work de-siltation of the field "*Savat Khazan*" had been completed. I say that the Hon. High Court recorded of the specific statement made by the counsel for the petitioners therein, that "all issues concerning the Petitioners are sorted out".

(21) I say that in view of the Section 9B of the *Mines and Minerals (Development & Regulation) Act, 1957* ("Act")



Respondent No. 1 has paid an amount of Rs. 92,44,000.00 to the District Mineral Foundation Trust, during the short periods in the year 2016-17 and 2017-18, that it operated its erstwhile mining lease.

(22) I say that all the grievances of the villagers of Shirgao (Sirigao) in respect of alleged environmental damage on account of mining activity stands fully redressed which is abundantly clear from the Order 16/01/2023 (Annexure B, *supra*) of the Hon. High Court. I submit that in view thereof, there is no merit in the claims of the Appellants in the present appeal, which are unworthy of being countenanced.

(23) I say that Respondent No. 1 has undertaken mining activities over the years in terms of the applicable law and permissions granted by the authorities from time to time. I say that the operations in the mining lease area of Respondent No. 1 were stopped in the year 2012, pursuant to an Order of the Hon. Supreme Court in *Goa Foundation v. Union of India* ((2014) 6 SCC 590). I say that the same were resumed, upon grant of second renewal of the mining lease of Respondent No. 1, by the Government of Goa,



however, the same had to be stopped again after the same were set aside by a Judgment dated 27/02/2023 of the Hon. Supreme Court (i.e., *Goa Foundation v. Sesa Sterlite Limited and Others* ((2018) 4 SCC 218). I say that during the period that mining operations were resumed, they were carried out strictly in accordance with law, and all necessary compliances were duly filed by it with the competent authorities.

(24) I reiterate nonetheless, all the grievances of the villagers of Shirgao (Sirigao), were redressed from time to time in Public Interest Litigation Writ Petition No. 1/2008 before the Hon. High Court, and this is recorded in clear terms in Order dated 16/01/2023 of the Hon. High Court. I say that the grievances/ complaints of the villagers of Shirgao (Sirigao), and the report of N.E.E.R.I. were duly considered by the Hon. High Court in those proceedings, and directions were issued from time to time, by the Hon. High Court and the concerned authorities, which have been complied with by Respondent No. 1, and compliance reports were filed with the concerned authorities. I submit that the Petitioners are seeking to re-agitate the very same issues afresh before this Hon. Tribunal, which they are not



entitled to do. I say that the report of The Energy Research Institute ("T.E.R.I.") was made prior to that of N.E.E.R.I. and would have to be construed accordingly. I do not admit the contents of the reports relied upon by the Petitioner, in the petition, in the manner they are urged, and I crave leave to refer to their contents to determine their true and correct scope, import and amplitude. I dispute and deny all reports and findings, if any, which tend to indicate any violation on the part of Respondent No. 1, and I crave leave to refer to their contents to determine their true and correct scope, import and amplitude. I maintain that mining operations were undertaken in terms of permissions/ approvals granted by the concerned authorities, including the environment clearance, which imposed stringent conditions on Respondent No. 1 (to ensure safeguards to prevent environment damage). I deny the allegation that none of the conditions of the environment clearances was adhered to, or met, including backfilling with vegetation using indigenous species or proper maintenance of dumps. I say that Respondent No. 1 adhered to the stringent conditions imposed and measures were take to prevent environmental damage. I deny the allegation that there has been any contamination of any



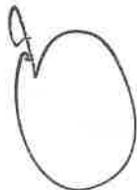
river and/or enabling the ruin of public places and structures on account of the mining activity of Respondent No. 1. I do not admit the contents of the report of Dr. Chachadi and crave leave to refer to its contents to determine its true and correct scope, import and/or amplitude. I say, without prejudice to the above, that Respondent No. 1 has undertaken measures, with positive results. I however deny that mining activity under Respondent No. 1 destroyed matters described in paragraph nos. 6, 7, 12, 14, 15, 16, 18, 19 and 20 on page nos. 15 - 23 of the appeal. I reiterate that the Hon. High Court took cognizance of the report of N.E.E.R.I. and passed appropriate directions as deemed fit. I say that the concerned authorities also took action as were deemed fit. I submit that these issues cannot be revisited in this appeal.

(25) I deny that dust pollution was rampant and/or was attributable to mining activities of Respondent No. 1. I deny that there was any water pollution or scarcity of water on account of mining activity carried out by Respondent No. 1. I say that all necessary pollution measures were undertaken by Respondent No. 1 which were part of Environmental Clearance compliances. I say that



Environmental Clearance compliances in relation of Goa State Pollution Control Board compliances were reported to the concerned authority from time to time. I say that Respondent No. 1 has not violated or breached any of the compliance requirements under the applicable permissions. I deny that activity of Respondent No. 1 has in any way adversely affected agricultural activities in the village. I say, (as stated earlier), without prejudice to the contention of Respondent No. 1 that it is not in any way liable for any damage to the environment in Shirgao (Sirigao) and Respondent No. 1 has undertaken measures to ameliorate the conditions of the villagers which include payment for tap water supply. I deny that Respondent No. 1 has violated the conditions imposed in the permissions. I deny the allegations that major conditions imposed on Respondent No. 1 were violated.

(26) I reiterate that all grievances of the villagers of Shirgao (Sirigao), were redressed from time to time in Public Interest Litigation Writ Petition No. 1/2008 before the Hon. High Court, and this is recorded in clear terms in Order dated 16/01/2023 of this Hon. Court. I say that the grievances/ complaints of the villagers of Shirgao (Sirigao),



and the report of N.E.E.R.I. were duly considered by this Hon. Court in those proceedings, and directions were issued from time to time, by this Hon. Court and the concerned authorities, which have been complied with by Respondent No. 1, and compliance reports were filed with the concerned authorities. I submit that the Petitioners are seeking to re-agitate the very same issues afresh before this Hon. Court, which they are not entitled to do.

(27) I maintain that mining operations were undertaken in terms of permissions/ approvals granted by the concerned authorities, including the environment clearance, which imposed stringent conditions on Respondent No. 1 (to ensure safeguards to prevent environment damage). I deny the allegation that none of the conditions of the environment clearances was adhered to, or met, including backfilling with vegetation using indigenous species or proper maintenance of dumps. I deny the allegation that any dumps illegally located outside the lease or in adjacent agricultural fields. I deny the allegation that the mining waste was dumped on adjacent plots of villagers and after their land was encroached and was rendered useless for farming, meagre money was



offered to them to purchase the land. I deny the allegation some 200 people eventually moved out of the village due to mining activity. I say that Respondent No. 1 adhered to the stringent conditions imposed and measures were take to prevent environmental damage. I deny the allegation that there has been any contamination of any river and/or enabling the ruin of public places and structures on account of the mining activity of Respondent No. 1. I deny the allegation Respondent No. 1 has not provided benefits to local people either through employment and/or facilities. I say that a majority of manpower was engaged by Respondent No. 1 from nearby village, viz., Shirgao (Sirigao), Assonora and Mulgaon. I say that in any event this issue too has been addressed/redressed in Public Interest Litigation Writ Petition No. 1/2008. I say that Respondent No. 1 submitted all details to Respondent No. 5, and Respondent No. 5 issued a no dues certificate, for the period referred to, copy of which is at **Annexure H**. I do not admit the contents of the report of Dr. Chachadi and crave leave to refer to its contents to determine its true and correct scope, import and/or amplitude. I say, without prejudice to the above, that Respondent No. 1 measures undertaken by him, have been undertaken, with positive



results. I deny the claim that many actions directed by this Hon. Court in Public Interest Litigation Writ Petition No. 1/2008, are nearing final stages of completion, and the same are completed as recorded in the Order dated 16/01/2023 (Annexure A) of this Hon. Court. I reiterate that this Hon. Court took cognizance of the report of N.E.E.R.I. and passed appropriate directions as deemed fit. I say that the concerned authorities also took action as deemed fit. I submit that these issues cannot be revisited in this appeal.

(28) I say that second renewals were granted by government after considering all the necessary parameters and after taking cognisance of all the issues raised by the concerned stake holders. I deny that Respondent No. 1 has undertaken mining operations without a valid environmental clearance. I deny that Respondent No. 1 has undertaken in any activities leading to environmental damage. I deny that there were no effective steps undertaken by Respondent No. 1 as required under the Mining Rules. I submit that the reference to mining closure plan and implementation of the same highly misconceived.



(29) I say the Order dated 14/06/2011 of the Deputy Collector and Sub Divisional Officer, Bicholim, Goa was challenged before the Hon. Administrative Tribunal, Goa in Land Revenue Appeal No. 17/2011 (*Rajaram Bandekar (Sirigao) Mines Pvt. Ltd. v. State & Another*). I say that in this matter the Hon. Administrative Tribunal was pleased do direct maintenance of status quo pending hearing and disposal of the appeal. I say that I understand that the said Order dated 14/06/2011 of the Deputy Collector and Sub Divisional Officer was quashed and set aside by the Hon. Administrative Tribunal. I say that however, as the matter is over a decade old, and as the official of Respondent No. 1 who represented it has passed away, it has not been possible to verify the outcome of the said appeal, and/or subsequent facts in relation to the said order. I say that Respondent No. 1 is conducting a search of its records to determine outcome of this appeal, and craves leave to produce and rely upon facts, material and/or documents relating to the same, when it is able to obtain and/or locate documents relating thereto. I deny the contents of paragraph nos. 62 of the petition, and/or any case sought to be urged on the basis thereof, to the extent they are contrary and/or repugnant to what is stated herein.



(30) I say that it may be mentioned here that a meeting of the Shirgao Gramast was held on 08/10/2023 at 19:00 hrs., to discuss the issue of mining operations at Shirgao Block and Water Bills of Affected People. I say that the minutes of this meeting record that it was discussed that five selfish resident of Shirgao (Sirigao) had filed Public Interest Litigation Writ Petition(s) before this Hon. Court against Respondent No. 1 and other mining companies, objecting to proposed mining operations at Shirgao (Sirigao), at which (i) employment to 'unemployment residents' from Shirgao (Sirigao), (ii) employment to trucks in mining activity from Shirgao (Sirigao) and (iii) payment of drinking water bills of residents of Shirgao (Sirigao) were discussed. I say that the minutes of this meeting bear that out that it was discussed that since the cessation of mining operation in 2012, all works deployed in the mines were retrenched and were jobless, that they had stopped the education of their children and that they had crossed the age of 45 – 50 years, and there were no job opportunities available for them. I say that the minutes bear out that it was discussed that some trucks were auctioned by banks, and that their financial conditions were miserable and they and no help in the market for their survival. I say that



minutes record that in such circumstances the mining operations of the said Mining Block, and other, ought to be commenced at the earliest, and all residents of Shirgao (Sirigao), decided to support the same. A copy of the minutes of this meeting are at **Annexure I**.

(31) I say that the Appellants have alleged in the appeal that the said Mining Block is wrongly classified as a “fresh grant” and/or “Greenfield Project”. I say the Appellants contend that as the said Mining Block was previously worked on, it could not be classified either as a “fresh grant”, or “Greenfield Project”. I say that the contention is entirely without merit.

(32) I submit that Clause 7(i) of the *Environmental Impact Assessment Notification, 2006*, (“2006 Notification”) provides for “Stages in Prior Environmental Clearance (EC) Process for New Projects”, *i.e.*, for Greenfield Projects. I say that as per this clause the stages are

- (i) screening,
- (ii) scoping,
- (iii) public consultation, and,
- (iv) appraisal by the Expert Appraisal Committee.



(33) I submit that in contrast, Clause 7(ii) of the 2006 Notification, provides for "Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects", i.e., Brownfield Projects. I say that unlike the process for Green Field Projects, the stages of screening, scoping and public consultation are not contemplated, and the applications for Environmental Clearance are sent directly to the Expert Appraisal Committee for consideration by it.

(34) I say that thus, the process of grant of Environmental Clearance to a Greenfield project is more rigorous and stringent in comparison to the process of grant of an Environmental Clearance to a Brownfield project.

(35) I submit further that Clause 2 of the 2006 Notification, provides thus:

***"Requirements of prior Environmental Clearance (EC):*** *The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of*



*Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:*

*(i) All new projects or activities listed in the Schedule to this notification;*

*(ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;*

*(iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range."*

(36) I say that a "Greenfield Project" would indeed be a "new project" and covered by Clause 2(i) of the 2006 Notification, while, a "Brownfield Project" would be an expansion and/or modernisation of an



existing project and it would be governed by Clause 2(ii), thereof.

(37) I say that a note dated 19/12/2011, of the Press Information Bureau of the Ministry of Environment and Forests, Government of India, titled '*Implementation of Green Field Projects*' reads thus:

*"The Environmental Impact Assessment (EIA) Notification 2006 provides that all developmental projects, listed in the Schedule- I to the Notification require prior environmental clearance for establishment of new (Greenfield) projects or for expansion (Brownfield) of existing projects."*

I crave leave to point out the contents of this note, from a copy thereof, which is already placed on record as an annexure to the reply of Respondent No. 6.

(38) I submit that by its judgment in *Goa Foundation v. Union of India* ((2014) 6 SCC 590), the Hon. Supreme Court in the case of held that the deemed mining leases of the lessees in Goa expired on 22/11/1987, and thereafter, the 20-year period of their First Renewal(s) of the deemed



mining leases in Goa expired on 22/11/2007. I crave leave to point out the contents of this judgment, from a copy thereof, which is already placed on record as an annexure to the reply of Respondent No. 6.

(39) I say that thereafter several mining leaseholders applied for second renewal of their respective mining leases. I say that the Government of Goa issued Orders granting them Second Renewals in respect of these mining leases. I say that all these Orders of Second Renewal were challenged before the Hon. Supreme Court by the Goa Foundation. I say that in *Goa Foundation v. Sesa Sterlite Ltd & Others* ((2018) 4 SCC 218) the Hon. Supreme Court quashed the Second Renewals granted in respect of 88 mining leases and directed that in terms of the decision, declaration and the directions in *Goa Foundation v. Union of India, supra*, the State of Goa was obliged to grant fresh mining leases in accordance with law and not second renewals of the mining leaseholders. I crave leave to point out the contents of this judgment, from a copy thereof, which is already placed on record as an annexure to the reply of Respondent No. 6.



(40) I say that by order dated 23/04/2018, the MOEF&CC cancelled the environmental clearances granted to the 88 mining leases covered by the quashed by the Hon. Supreme Court. I crave leave to point out the contents of this Order, from a copy thereof, which is already placed on record as an annexure to the reply of Respondent No. 6.

(41) I say that that the *Mines and Minerals (Development and Regulation) Act, 1956* ("Act"), was amended by *Mines and Minerals (Development and Regulation) (Amendment) Act, 2015*, to introduce Section 8A into the Act, extending the period of mining leases up to 13/03/2020 or 50 years from the grant of lease, whichever is later. I say that the 2015 Amendment Act provides that grant of mining leases shall be only through auction process. I say that the said Mining Block was put up for auction following all due procedures. I say that Respondent No. 1 was declared to be the successful bidder of the said Mining Block.

(42) I say that the auction was challenged before the Hon. High Court in Writ Petition No. 592/2012 by one MSPL Limited. I say that by its judgment in *MSPL Limited v. State of Goa and Others* (2024 DGLS (Bom.) 473), copy of



which is at **Annexure J**, the Hon. High Court was pleased to hold that it did not find any reason to interfere with the auction process and to declare and/or strike down any of the clauses of the tender document, impugned therein, and dismissed the writ petition as being devoid of merit.

(43) I say that the Union Parliament enacted the *Mineral Laws (Amendment) Act, 2020* introducing Section 8B with limited retrospective effect from 10/01/2020 (*i.e.*, the date of an Ordinance issued, *ex ante*). I submit that this provision transferred all valid approvals, rights, clearances, and licenses of a previous lessee to a new lessee for a period of two years. I say that thereafter, by the *Mines and Minerals (Development and Regulation) (Amendment) Act, 2021*, Parliament, amended the Act to substitute the amended Section 8B thereof, with effect from 28/03/2021, removing the validity period of two years regarding valid approvals, rights, clearances, and licenses. I submit that the amended/substituted Section 8B of the Act, transferred and vested in the new lessee of a mining lease, the valid approvals, rights, clearances and licenses, in respect the mining lease, concerned. I submit that as a result, new lessees could operate mining leases based on



the basis of valid approvals, rights, clearances, and licenses granted to former lessees.

(44) I say that the Government of Goa earlier opined that Section 8B of the Act would apply to the mineral blocks in Goa comprising of the 88 leases, *supra*.

(45) I submit that the effect of Section 8B of Act upon the environmental clearances granted to mining leases that were the subject matter of the decisions of the Hon. Supreme Court in *Goa Foundation Vs Union of India* and *Goa Foundation Vs Sesa Sterlite Limited & Others, supra*, arose a primary issue for determination in Writ Petition (F) No. 400/2023 (*Sociedade Fomento Industrial Pvt. Ltd. & Another v. State of Goa & Others*) filed before the Hon. High Court. I say that by its order dated 26/04/2023 in this writ petition the Hon. High Court held that the proper interpretation of Section 8B of the Act indicates that only valid environmental clearances were to stand transferred and vested in the new lessees/successful auction purchasers. I submit that Hon. High Court held that since the environmental clearances of the 88 leases, *supra*, were cancelled by the Order dated 23/04/2023 of the MOEF&CC,



they would not amount to "valid" environmental clearances. I submit that the Hon. High Court directed that held that fresh environmental clearances would have to be obtained even by the successful bidders to the Mining Blocks to which the two aforesaid judgments decisions of the Hon. Hon. Supreme Court apply or to mining blocks in respect of which the environmental clearances were cancelled by Order dated 23/04/208 of the MOEF&CC. I crave leave to point out the contents of this judgment, from a copy thereof, which is already placed on record as an annexure to the reply of Respondent No. 6.

(46) I submit that in these circumstances successful bidders in respect of the auctioned mining blocks, including Respondent No. 1, being the successful bidder in respect of the said Mining Block, were asked to obtain fresh ECs for the purpose of mining operations in the said auctioned mineral blocks.

(47) I submit that the Hon. Supreme Court's judgment in *Goa Foundation Vs Union of India* and *Goa Foundation Vs Sesa Sterlite Limited & Others, supra*, apply to the subject mining project. I say that the subject mining project is a



new mining project is new/fresh project as is evident from the perusal of the judgments of the Hon. Supreme Court in the case of *Goa Foundation Vs Union of India* and *Goa Foundation Vs Sesa Sterlite Limited & Others, supra*.

(48) I say that the subject mining project has been correctly classified as a Greenfield Project.

(49) I say that on 18/01/2024 a public hearing was conducted by the Collector as per the 2006 Notification with respect of the said Mineral Block. I say that the public hearing was held at Narayan Zantye Multipurpose Sports Complex, at Sarvan, Bicholim Taluka, Goa. I say that the venue of the public hearing is at a distance of 5.2 kilometers, reckoned 'as the crow flies', and is at a distance of 8.5 kilometers by road. I say that the venue of the public hearing was situated the same taluka as the said Mineral Block. I say that the views, comments and/or objections of the Village Panchayat were considered at this public hearing as is evident from the minutes dated 18/01/2024 of the said public hearing dated 18/01/2024. I say that the views, comments and/or objections of all the individuals present at the public hearings were received and/or



considered. I say that the recorded minutes were read out/explained to the public in Konkani and subsequently after receiving suggestions, were signed by the Collector and a Member of the Goa State Pollution Control Board. I say that the people present at the public hearing were asked to submit their written objections and/or suggestions within 2 days to the Goa State Pollution Control Board, if they so desired. I say that a total of 228 persons attended this public hearing. I say 13 objections/suggestions in writing were received by the Goa State Pollution Control Board. I say 5,744 written communications supporting the Said Project were received by the Goa State Pollution Control Board. I crave leave to point out the contents of this judgment, from a copy thereof, which is already placed on record as an annexure to the reply of Respondent No. 6.

(50) I say that the issue of transportation of ore in Goa was the subject matter of Public Interest Litigation Writ Petition No. 6/2024 (*The Malakh Khajan Farmers Association v. The Directorate of Mines and Geology and Others*), before the Hon. High Court. I say that thought the petition initially concerned the problems to be faced in



village Mayem, due to transportation of ore, by subsequent orders the scope of the petition was expanded to the transportation of ore through Goa. I say that the Hon. High Court examined the measures that are in place to regulate transportation of ore, and while disposing the petition vide Judgment dated 29/06/2024 specifically referred to the various Office Memoranda and Standard Operating Procedures of the MoEF&CC and Directorate of Mines & Geology, Government of Goa, including a Corrigendum dated 06/06/2023, and held that there were sufficient measures already in place with respect to the transportation of ore, and that the same would be implemented by the State of Goa.

*“39. It is therefore not as if transportation of the ore through village roads is completely prohibited as fairly submitted by the learned Counsel for the petitioner. Moreover, the aforesaid SOPs/measures are put in place to mitigate the adverse impact of mining operations in the case of such habitations/villages. Learned Counsel for the petitioners fairly submitted that the spirit of the OM dated 29.10.2014 is imbibed*



*in the SOPs issued by the authorities from time to time. The safeguards imposed by way of SOPs, instructions, Rules and Regulations before and after filing of the PIL accords with the spirit of the OM dated 29.10.2014. These measures be strictly implemented.*

*45. We thus find from the materials that the expert bodies like GSPCB and the DMG have issued the SOPs and imposed necessary safeguards in the transportation of the 'e-auction ore'. It is not possible for us to substitute our opinion for that of the expert body like the GSPCB and DMG. The recommendations and decision of the DMG and GSPCB cannot be undermined in a light manner and due deference must be accorded to expert agencies when the decisions do not attract the taint of legal unjustness/infirmity."*

I crave leave to point out the contents of this judgment, from a copy thereof, which is already



placed on record as an annexure to the reply of Respondent No. 6.

(51) I say that though the Appellant alleges that the lease area of the said Mining Block has temples and/or residential houses within its limits, the approved mining plan shall depict the spots where the mining operations are proposed to be based. I say that the said mining plan does not include in the spots depicted for mining operations, either the temples and/or residential houses of the residents of the village of Sirigao, or any other commercial and/or educational institution(s) of the villagers. I say that Shirgao (Sirigao) village habitation and their agricultural land is on the western side of the hillock I say that and the subject mine is on the eastern side of a hillock. I crave leave to point out the contents of the mining plan, which is already placed on record as an annexure to the reply of Respondent No. 6.

(52) I say that the mining plan has not been challenged in this appeal. I submit that in any event, in the event the Appellant are aggrieved with the spots/areas where mining operations are proposed, as depicted in the mining plan,

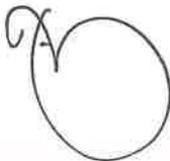


the Appellant should place their grievances before the Revisional Authority under the Minerals (Other than Atomic and Hydro Carbons Energy Mineral) Concession Rules, 2016, which is the appropriate forum to consider such grievance, if any, of the Appellant.

(53) I submit that mining closure plan is a document outlining the strategies and actions required to close and secure a mine after the completion of mining activities, which occurs at the end of the mine's life. I say that the subject Block No. III is a live mine.

(54) I submit, that with regards to the allegation of mining activity affecting the ground water table, I say that the Environmental Clearance dated 09/09/2024 granted to Respondent No. 1 has imposed certain specific conditions in order to monitor and augment ground water resources in the area. I submit that the relevant Specific Conditions read as under:

*“nn) In case, immediate mining scheme envisages intersection of ground water table, then Environmental Clearance shall become*




*operational only after receiving formal clearance from CGWA. In case, mining operation involves intersection of ground water table at a later stage, then PP shall ensure that prior approval from CGWA and MoEFCC/SELAA is in place before such mining operations. The permission for intersection of ground water table shall essentially be based on detailed hydro-geological study of the area.*

*oo) The Project Proponent shall regularly monitor and maintain records w.r.t. ground water level and quality in and around the mine lease by establishing a network of existing wells as well as new piezo-meter installations during the mining operation in consultation with Central Ground Water Authority/State Ground Water Department. The Report on changes in Ground water level and quality shall be submitted on six-monthly basis to the Regional Office of the Ministry, CGWA and State Groundwater Department / State Pollution Control Board.*



pp) The Project Proponent shall undertake regular monitoring of natural water course/ water resources/ springs and perennial nallahs existing/ flowing in and around the mine lease including upstream and downstream. Sufficient number of gullies shall be provided at appropriate places within the lease for management of water. The parameters to be monitored shall include their water quality vis-a-vis suitability for usage as per SPCB/CPCB criteria and flow rate. It shall be ensured that no obstruction and/ or alteration be made to water bodies during mining operations without justification and prior approval of SEIAA/MoEFCC. The monitoring of water courses/ bodies existing in lease area shall be carried out four times in a year viz. pre- monsoon (April May), monsoon (August), post-monsoon (November) and winter (January) and the record of monitored data may be sent regularly to this Authority/Ministry of Environment, Forest and Climate Change and its Regional Office, Central Ground Water Authority and Regional Director, Central Ground Water Board, State Pollution



*Control Board and Central Pollution Control Board clearly showing the trend analysis on six-monthly.*

*qq) The Project Proponent shall plan, develop and implement rainwater harvesting measures on long term basis to augment ground water resources in the area in consultation with Central Ground Water Board/ State Ground water Department. A report on amount of water recharged needs to be submitted to this Authority/ Regional Office MoEFCC annually.*

*ss) The water balance/water auditing shall be carried out and measure for reducing the consumption of water shall be taken up and reported to this Authority/ Regional Office of the MoEF&CC and the State Pollution Control Board/Committee.”*

(55) I therefore deny the contents of paragraph nos. 1, 2, 3, 4, 6, 7, 10, 12, 14, 15, 16, 18, 19 & 20 on page nos. 13 – 23 of the appeal, and/or paragraph nos. 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 21, 22 and 28 on



4

page nos. 23 – 32 of the appeal, and ground nos. (A) to (K) in the appeal, and/or any case sought to be urged on the basis thereof, to the extent that they are contrary to what is stated herein.

(56) I therefore submit that there is not merit in the appeal, which is liable to be dismissed in limine, and pray that this Hon. Tribunal be pleased to order accordingly.

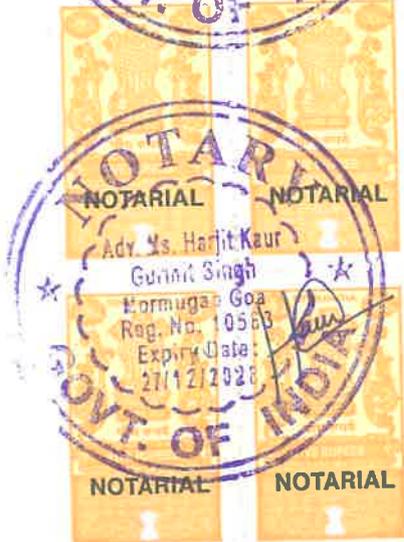
(57) I say that the contents of paragraph nos. 1, 2, 5, 6, 7, 8, 9, 10, 100, 12, 13, 14, 15(part), 16(part), 17(part), 18(part), 19(part), 20(part), 21(part), 22(part), 23, 24(part), 25(part), 26, 27(part), 28, 29, 30, 31(part), 32(part), 33(part), 34(part), 35(part), 36(part), 37(part), 38(part), 39(part), 40(part), 41(part), 42(part), 43(part), 44(part), 45(part), 46(part), 47(part), 48(part), 49(part), 50(part), 51(part), 52(part), 53(part), 54(part) and 55, *supra*, are true and correct to my knowledge, the contents of paragraph nos. 15(part), 16(part), 17(part), 18(part), 19(part), 20(part), 21(part), 22(part), 24(part), 25(part) and 27(part), *supra*, are based on knowledge derived from examination of documents/



records referred to and the contents of paragraph nos. 3, 4(a), 4(b), 4(c), 4(d), 25(part), 31(part), 32(part), 33(part), 34(part), 35(part), 36(part), 37(part), 38(part), 39(part), 40(part), 41(part), 42(part), 43(part), 44(part), 45(part), 46(part), 47(part), 48(part), 49(part), 50(part), 51(part), 52(part), 53(part), 54(part) and 56 are submissions, based on legal advice, which I believe to be true.

Solemnly affirmed at Vasco da Gama, Goa on this Fifteenth day, of the month of July, of the year Two Thousand and Twenty Five.

  
Deponent



Solemnly affirmed before me by

Rajan R. Bandekar

Who is Identified to me by.....

Who is personally know to me

this 15<sup>th</sup> day of July, 2025

Reg. No. 3247 / 2025



Adv. Ms. HARJIT KAUR GURMIT SINGH  
NOTARY  
(Govt. Of India)  
Shop No. 26, Ground Floor  
Karma Paes Avenue,  
Vasco-da-Gama, Goa.

## Annexure A



CIN: U14299GA1972PTC000146

**CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF M/S. RAJARAM BANDEKAR (SIRIGAO) MINES PVT. LTD., AT THEIR MEETING HELD ON 14<sup>th</sup> JULY, 2025, AT THE REGISTERED OFFICE OF THE COMPANY AT OF- 601 6<sup>TH</sup> FLOOR, DR OZLER FORUM, VASCO-DA-GAMA, GOA**

**RESOLVED** that the Company be and is authorized to defend the I.A.No. 311 of 2024 in Appeal No. 167/2024 (WZ) before the Hon. National Green Tribunal Western Zone Bench at Pune filed by Vijay Ravalnath Gaonkar & Another.

**ALSO RESOLVED** that Mr. Rajan N Bandekar, Director, be and is hereby authorized to represent the Company for signing vakalatnama, for signing, swearing, verifying written statement, affidavit in reply, applications & replies, for deposing, or for signing any other documents in relation to the proceeding against the above mentioned persons, for and on behalf of M/s. Rajaram Bandekar (Sirigao) Mines Pvt. Ltd.

Vasco-da-Gama, Goa.

Date: 14<sup>th</sup> July, 2025

CERTIFIED TRUE COPY

For M/S. RAJARAM BANDEKAR (SIRIGAO) MINES PVT. LTD.



MANAGING DIRECTOR

**Rajaram Bandekar (Sirigao) Mines Private Limited**

Registered Address : 601, 6th floor, Dr. Ozler Forum,  
Near St. Andrews Church, P.O. Box No. 31,  
Vasco-da-Gama, Goa - 403802.  
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E: contact@nrbgroupp.biz  
F: +91 - 832 - 2501997

**Annexure B**

Meena

**IN THE HIGH COURT OF BOMBAY AT GOA**

**STAMP NUMBER (APPLICATION) NO.1101 OF 2020 (F)**  
**IN**  
**MISC. CIVIL APPLICATION NO.354 OF 2017**  
**IN**  
**PIL WRIT PETITION NO.1 OF 2008**

THE STATE OF GOA THROUGH ITS CHIEF SECRETARY AND 7 ORS., ...**Petitioners**

*Versus*

VILLAGERS OF THE SHIRGAO VILLAGE ... **Respondent**

Mr D. Pangam, Advocate General with Mr Deep Shirodkar, Additional Government Advocate for the Applicant-State.

Mr Abhinandan Patil, Contractor present in person.

Mr A. F. Diniz, Senior Advocate with Mr Ryan Menezes, Advocate for the Respondent No.6.

Mr S. D. Lotlikar, Senior Advocate with Ms S. Kenny, Advocate for the Respondent No.7.

Mr Sudin Usgaonkar, Senior Advocate with Ms Pooja Naik, Advocate for the Respondent No.8.

Ms Norma Alvares with Mr Om D'Costa, Advocates for the original petitioners in MCA No.354/2017.

**CORAM: M.S. SONAK &  
BHARAT P. DESHPANDE, JJ.**

**DATED : 16<sup>th</sup> JANUARY, 2023**

P. C.

1. Mr Abhinandan Patil, Proprietor of Abhinandan Buildcon (Contractor) has filed an affidavit stating that the works awarded to him (tender work) concerning 'Savat Khajan' is completed.
2. The Executive Engineer Works Division-VI, Water Resources Department also filed a status report confirming the above position. The report states that the work is finally completed. The shifting of the excavated earth (debris) is in progress and may take another 10 days considering the site condition and the nature of the soil(marshy). Mr Patil states that the work of shifting will indeed be completed within 15 days from today.
3. Mr Patil points out that in terms of the orders made by this Court, he was required to give additional performance security in an amount of ₹5,00,000/-. Now that the work is completed, we direct the State (WRD) to forthwith release this amount to Mr Patil(Contractor).
4. The learned Advocate General states that the DSLR will now start the demarcation work within 15 days from today and try to conclude it at the earliest.
5. Misc. Civil Application bearing No. 1101 of 2020(F) in Misc. Civil Application No. 354 of 2017 is disposed of. Similarly, the Misc. Civil Application No. 354 of 2017 is also disposed of.

6. Place the PILWP No.1 of 2008 for final hearing on 22/02/2023 subject to overnight part heard.
7. Learned Counsel for the petitioners states that all the issues concerning the petitioner are sorted out. However, the learned Advocate General and the learned Counsel appearing on behalf of the mining companies state that the issue of liability of the mining companies to pay for the work of de-siltation survives. Accordingly, on that date, we propose to consider this issue and if possible to dispose of the PIL.
8. The Contractor Mr Abhinandan Patil need not to appear any further in this matter.

**BHARAT P. DESHPANDE, J**

**M.S. SONAK, J.**



## Annexure C

No. 96/53/87- Mines/Part/3350  
 Government of Goa,  
 Directorate of Mines & Geology  
 Udyog Bhavan,  
 Panaji-Goa.

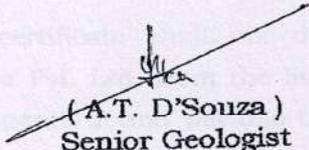
Dated:- 10/12/2008.

To,  
 M/s. Rajaram Bandekar (-Sirigao) Mines Pvt. Ltd.,  
 Nitin Chambers,  
 P.O. Box No.31,  
 Vasco Da Gama, Goa.

Sirs,

With reference to your application for issue of Valid Clearance Certificate, I am to enclose herewith valid clearance certificate bearing No. 96/53/87- Mines/Part/3312 dated 05/12/2008. Receipt of the same may kindly be acknowledged.

Yours faithfully,

  
 (A.T. D'Souza)  
 Senior Geologist

Encl: As above.

12/11/08  
 Copy given to the Field  
 Name

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No. 96/53/87- Mines/Part /33  
 Government of Goa,  
 Directorate of Mines & Geology  
 Udyog Bhavan,  
 Panaji-Goa.

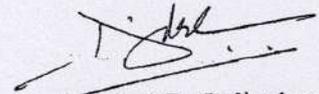
Dated:- 05 /12/2008.

**VALID CLEARANCE CERTIFICATE**

This is to certify M/s. Rajaram Bandekar ( Sirigao ) Mines Pvt. Ltd., who are the registered holders of T.C. No.4/49 situated at Sirigao village of Bicholim Taluka, have no dues outstanding towards dead rent/surface rent and royalty for the following period :-

1. 23/05/1987 to 31/03/1988	11.01/04/1997 to 31/03/1998
2. 01/04/1988 to 31/03/1989	12.01/04/1998 to 31/03/1999
3. 01/04/1989 to 31/03/1990	13.01/04/1999 to 31/03/2000
4. 01/04/1990 to 31/03/1991	14.01/04/2000 to 31/03/2001
5. 01/04/1991 to 31/03/1992	15.01/04/2001 to 31/03/2002
6. 01/04/1992 to 31/03/1993	16.01/04/2002 to 31/03/2003
7. 01/04/1993 to 31/03/1994	17.01/04/2003 to 31/03/2004
8. 01/04/1994 to 31/03/1995	18.01/04/2004 to 31/03/2005
9. 01/04/1995 to 31/03/1996	19.01/04/2006 to 31/03/2007
10.01/04/1996 to 31/03/1997	20.01/04/2007to 31/03/2008

Without prejudice, the present certificate shall not discharge M/s. Rajaram Bandekar ( Sirigao ) Mines Pvt. Ltd. from the liability to pay mining dues which, may be subsequently found payable by them, under the Mines and Minerals (Development and Regulation) Act 1957 and Rules made thereunder.



( Arvind D. Loliyekar )  
 Director of Mines & Geology

## Annexure D

## IN THE HIGH COURT OF BOMBAY AT GOA

PUBLIC INTEREST LITIGATION WP NO. 1 OF 2008

VILLAGERS OF THE SHIRGAO VILLAGE ... Petitioner  
Versus  
SIRIGAO NAGARIK SANGHATANA,  
SIRIGAO GOA AND 7 ORS., ... Respondents

Ms N. Alvares and Mr. J. A. Lobo, Amicus Curiae.  
Mr. Sudin Usgaonkar, Advocate for the respondent No.8.  
Mr.S.D.Lotlikar, Senior Advocate with Ms S. Mordekar, Advocate for the respondent No.7.  
Mr. A. N. S. Nadkarni with Mr. D. Lawande, Advocate for the respondent No.5.  
Mr.A.F. Diniz, Advocate for the respondent No.6.  
Mr. S. S. Kantak, Advocate General with Mrs. R. Chodankar, Addl. Govt. Advocate for the respondent Nos. 2,3 & 4.  
Mr.V.A.Lawande, Advocate for the respondent No.1.

Coram:- S.A. BOBDE &  
R. C. CHAVAN, JJ.

Date:- 16th June, 2008

P.C.

1. Having regard to the main issue in this petition i.e. whether the water resources are being depleted in the Shirgaon village due to mining operation, in the interest of justice it is necessary to have the issue and other related issues examined by the NEERI, Nagpur as Commissioner/ Expert Consultant.

2. The learned Amicus Curiae states that the NEERI has stated that an estimate costs for carrying out survey and examining the water resources would be about to Rs.25 Lacs plus service tax as applicable. We consider it appropriate that this cost shall be shared equally by the respondent Nos. 6,7 & 8, who have shown their willingness to share the expenditure before us. In the circumstances the NEERI is hereby

appointed to examine

(i) whether there is depletion in the water in the wells and surface water bodies (tanks, springs, streams) in Shirgaon village and if so, whether it is as a consequence of the mining operation in the vicinity of village by M/s.Rajaram Bandekar Mines Pvt Ltd, M/s. Chowgule & Co. Pvt. Ltd and M/s. Dempo Mining Corporation Pvt Ltd.;

(ii) whether there is damage caused to the water resources (ground water aquifers and surface water bodies) of Shirgao village as a result of mining operation of these 3 companies and if so, the extent thereof. The NEERI shall specify the measures to be taken for rehabilitation of water bodies and the costs of the same ;

(iii) Whether the damage caused to the agricultural field in the Shirgaon village is due to the mining operation of these 3 aforesaid companies and extent thereof if any. The NEERI may list the measures required for rehabilitation of the agricultural field and costs for the same.

3. The NEERI shall carry out survey and submit a report not later than 6 months from the date it commences the survey. The survey shall commence not later than one month from today.

4. The State Govt. of Goa shall act as a Co-ordinator and facilitator for the survey to be carried out by the NEERI. The learned Advocate General states that the Govt has received 278 syntex tanks from the respondent Nos. 6, 7 & 8 for the distribution between the villagers of Shirgaon. He states that the total number of applicants is about 425. The respondent Nos. 6,7 & 8 are directed to supply the balance tanks within a period of 2 weeks from today. In the meanwhile the Deputy Collector of Bicholim shall commence distribution of the tanks received by him forthwith.

5. It is agreed between the parties that if water in the mine pits is about to exceed the safety level, immediate action must be taken for

pumping out the water. We, therefore, consider it appropriate to direct the Govt. of Goa to designate an officer from the water resources department for assessing whether there is danger from the aforesaid water levels and to give immediate directions to the respondent Nos. 6,7 & 8 for carrying out pumping of such water. Needless to say that the respondent Nos. 6,7 & 8 shall carry out such pumping forthwith.

6. Further the respondent Nos. 6,7 & 8 are directed to report the water levels to the designated officer to enable the designated officer to make a proper decision and maintain a record. The quantum of water level shall be supervised by the designated officer, who shall maintain a record. He shall also maintain a log of the pumping done in the area.

7. Mr.Diniz for the respondent No.6 states that it would be inconvenient to shift the existing screening plant to a new location and, therefore, the said respondent shall set up a screening plant at the location to be approved by the Pollution Control Board. The screening plant shall not be operated by the respondent No.6 at the existing location until further orders. It is made clear that the respondent No.6 shall be at liberty to shift the existing plant to the new site or set up a new one.

8. The respondent Nos. 6,7 & 8 are directed to comply with the conditions which the Board has imposed while granting the consent to the respondent No.6 and while renewing the consent of the respondent No.7 & 8.

S. O. to 1st October, 2008.

S.A. BOBDE, J.

R. C. CHAVAN, J.

SMA

## -1- Annexure E

## IN THE HIGH COURT OF BOMBAY AT GOA

**PUBLIC INTEREST LITIGATION WRIT PETITION NO. 1 OF 2008**

VILLAGERS OF THE SHIRGAO VILLAGE ... Petitioner

***Versus***SIRIGAO NAGARIK SANGHATANA,  
SIRIGAO GOA AND 7 ORS., ... Respondents

Ms. Norma Alvares, Advocate as Amicus Curiae.

Mr. S. S. Kantak, Advocate General with Mr. A. Kamat, Addl. Government Advocate for the Respondent nos. 2, 3 and 4.

Mr. A. N. S. Nadkarni, Senior Advocate with Mr. D. Lawande, Advocate for Respondent no. 5.

Mr. A. F. Diniz, Advocate for Respondent no.6.

Mr. S. D. Lotlikar, Senior Advocate with Mr. H. Kankonkar, Advocate for the Respondent no.7.

Mr. Sudin Usgaonkar, Advocate for Respondent no.8.

Mr. C. A. Ferreira, Central Government Standing Counsel for Respondent no.9.

**Coram :-**        **A. S. OKA**  
                              **F. M. REIS, JJ.**  
**Date :**            **8<sup>th</sup> July, 2010.**

**P.C.**

We have heard the learned Counsel appearing for the parties.

2.            The issue of adverse impact on water resources and agricultural fields on account of mining activity in Shirgao Village, arises in this Petition. Considering the issues raised, we issue Rule. Learned Counsel for the Respondents waive service.

3.            We have perused various affidavits and documents placed on record. We have perused the earlier Orders passed by this Court. We have gone through the report of National Environmental Engineering Research Institute (for short 'NEERI'), submitted in March, 2009. Our attention has been invited to last relevant Order passed by this Court on 23rd February, 2010. Clause 2 of the said Order records the decision taken by Goa Pollution Control Board in its meeting held on

9th February, 2010. The decision of the Goa Pollution Control Board to implement the three recommendations has been recorded in Clause 2 of the said Order.

4. The learned Senior Counsel appearing for Goa Pollution Control Board has invited our attention to directions issued under Section 33(A) of the Water (Prevention and Control of Pollution) Act, 1974, issued by the Board on 3<sup>rd</sup> March, 2010. Directions have been issued vide said Order dated 3<sup>rd</sup> March, 2010 to comply with various measures including the three recommendations accepted by the Goa Pollution Control Board in its meeting dated 9<sup>th</sup> February, 2010. In short, the mandate issued by the Goa Pollution Control Board to various Mining Companies is to comply with various directions which are based on recommendations of NEERI as well as Orders issued by this Court from time to time. The Companies have been directed to submit a detailed time schedule and action plan on the basis of which they propose to comply with the directions. The Companies were called upon to submit the detailed time schedule within a period of 15 days from the date of receipt of the directions. The Mining Companies have been put to notice that on their failure to comply with the directions, the Board will be compelled to initiate legal action in accordance with the provisions of law including closure of the unit.

5. The learned Amicus Curiae made a grievance regarding the nature of direction in Clause 3 incorporated in the directions dated 3<sup>rd</sup> March, 2010, on the basis of decision taken by the Board on 9<sup>th</sup> February, 2010. The learned Counsel pointed out that the decision of the Board was to adopt "*remediation techniques for bio remediation of silted soils*" but on 3<sup>rd</sup> March, 2010, the Board has directed to

*“Design remediation technique for bio remediation of silted soils/fields”*. The learned Amicus Curiae submitted that the use of this phraseology indicates that remediation techniques will have to be designed and thereafter the same will have to be implemented.

6. As far as this objection raised by the learned Amicus Curiae is concerned, the Goa Pollution Control Board has filed an affidavit dated 8<sup>th</sup> July, 2010 of its Member Secretary. Paragraph 2 of the said affidavit reads thus :

“I state that before explaining the reason for using the word “design”, at the outset I have to state that remediation technique for bioremediation of silted soils/fields and design remediation technique for bioremediation of silted soil/fields is one and the same thing; it makes no difference to the direction concerned or compliance thereof.”

7. In paragraph 4 of the affidavit, it is stated thus :

“It is for this reason that the word “design” came to be used. Use of the word “design” is logical and legal too. I therefore state that the use of the word “design” does not in any manner whatsoever, change or dilute the direction or that the use of the word “design” does not in any manner whatsoever, change either the decision taken in the meeting of the Pollution Control Board or the directions issued.”

8. We accept the statements made in the said affidavit. The said statements take care of the apprehension expressed by the learned Counsel appointed as Amicus Curiae. It is reiterated by the Pollution Control Board that the use of the word “design” does not in any manner whatsoever change or dilute the direction or that the use of the word “design” does not in any manner whatsoever

change either the decision taken in the meeting of the Pollution Control Board or the directions issued.

9. The learned Counsel pointed out that in terms of directions dated 3<sup>rd</sup> March, 2010, some outer limit will have to be prescribed within which the compliance should be made by the Mining Companies with the directions. She pointed out that the Order dated 3<sup>rd</sup> March, 2010 shows that there is no direction issued for making compliance with the directions within a specified time limit.

10. As far as the aforesaid objection is concerned, we feel that the Pollution Control Board will have to conduct regular inspection and monitoring to ascertain the compliance with the directions issued on 3<sup>rd</sup> March, 2010. In case the Pollution Control Board finds that the concerned Companies or concerned persons are slow in implementing the directions, the Pollution Control Board will have to issue further directions specifying the time limit for compliance with directions. As of today, it is not possible to fix an outer limit for compliance with the said directions. Pollution Control Board is seized of the matter and it is expected that the Pollution Control Board will take action and will issue necessary further directions in case requirement of issuing such directions arises on the basis of inspection and monitoring.

11. We direct that the directions contained in Order dated 23<sup>rd</sup> February, 2010 as well as in the earlier Orders passed by this Court will continue to operate till further orders. We direct the Pollution Control Board to file compliance report in this Court as regards the compliance by the Mining Companies of the directions

issued under Section 33(A) of the Water (Prevention and Control of Pollution), Act, 1974. The compliance report shall be filed within a period of three months from today. We direct the Pollution Control Board to file compliance report as regards compliance with what is stated in paragraph 4 of the Order dated 23<sup>rd</sup> February, 2010. The compliance report shall be filed by the Pollution Control Board by 31<sup>st</sup> August, 2010.

12. On application made by the parties to the Petition, Registry is directed to make available copies of the compliance reports submitted by the Goa Pollution Control Board subject to payment of necessary copying charges. As and when reports are submitted by the Goa Pollution Control Board, the parties to the Petition will be free to apply to this Court for seeking necessary directions. We make it clear that copies of the reports filed by the parties to the Petition shall be supplied free of costs to the learned Amicus Curiae appointed to espouse the cause of the Petitioner.

13. In terms of the directions issued by this Court, the Director of the Ministry of Environment & Forest, Government of India, has filed affidavit dated 5<sup>th</sup> July, 2010. In view of what is stated in the affidavit and in particular what is stated in paragraph 8 thereof, we find that the Ministry has taken appropriate steps. Therefore, at this stage, we are not issuing any further directions against the Ministry.

**A. S. OKA, J.**

**F. M. REIS, J.**

arp/\*

**Annexure F**  
**IN THE HIGH COURT OF BOMBAY AT GOA**

MISC.CIVIL APPLICATION NO. 354 OF 2017  
IN  
PUBLIC INTEREST LITIGATION WP NO. 1 OF 2008

VILLAGERS OF THE SHIRGAO VILLAGE., ... Applicant

Versus

THE STATE OF GOA THROUGH ITS CHIEF  
SECRETARY AND 7 ORS., ... Respondents

Ms. Norma Alvares, Advocate for the Applicants.  
Mr. D. J. Pangam, Advocate General with Mr. Deep Shirodkar,  
Addl. Govt. Advocate for Respondent No.1.  
Mr. D. Lawande, with Mr. Amogh Prabhudesai, Advocate for  
Respondent No.5.  
Mr. A.F. Diniz, Advocate for Respondent No.6.  
Mr. S.D. Lotlikar, Senior Advocate along with Ms. Shreya  
Arur, Advocate for Respondent No.7.  
Mr. Sudin Usgaonkar, Senior Advocate along with Ms. T. Kamat  
Ganekar, Advocate for Respondent No.8.

Coram:- M. S. SONAK &  
SMT. M. S. JAWALKAR, JJ.

Date:- 18th December, 2019

P.C.:

Heard learned Counsel for the parties.

2. In continuation of the orders made in this matter from time to time, we now direct the Water Resources Department, Government of Goa to undertake the work of desiltation of the field 'Savat Khazan' which is subject-matter of this Petition. This work must commence within 30 days from today.

3. The Water Resources Department had indicated that an expenditure of approximately 4.00 crores will be involved for this work. Accordingly, we had requested the learned Advocate General to find out whether the District Mineral Foundation will be in a position to bear this expenditure.

4. The learned Advocate General points out that in terms of Rule 13 of the Goa District Mineral Foundation (Trust) Rules 2018, the environment preservation and pollution control measures can be undertaken by the foundation. However, the activities meant to be taken up under the 'polluter pays principle' or as per the obligations of the industries under the environment management plan or mines management plan should not be taken up under the District Mineral Foundation Trusts.

5. The mining companies seriously dispute that they have caused any pollution or that they are liable to pay under the polluters pays principle. If this dispute is ultimately resolved in favour of the mining companies, then obviously the foundation can prima facie bear this expenditure.

6. There are affidavits filed by the Director of Settlement and Land Records, as well as the Executive Engineer of the Water Resources Department which indicate at least prima facie that

the silt which has been deposited in these fields is on account of flow of the water through the mining dumps. No doubt, as contended by the learned Counsel for the mining companies, these affidavits or statements made therein cannot be accepted as final at this stage. Learned Counsel for the mining companies argue that for the last 6 to 7 years the mining has stopped. The learned Advocate General, however, points out that there was mining going on between the years 2015 to 2018. In any case, all these issues can be gone into at a later stage.

7. The material on record indicates that there is silt in fields and it is imperative that this silt is removed at the earliest, so that the farmers can resume their agricultural activities.

8. In so far as the expenditure for removal of the silt is concerned, we direct the District Mineral Foundation to earmark, for the present an amount of Rs.2.00 crores. Further, we direct the mining companies to deposit in this Court an amount of Rs.65,00,000/- each, on or before the next date which shall be 27th January, 2020. If, ultimately, it is found that the mining companies are not responsible for this silt, or are not responsible under the polluters pays principle, interim orders can always be made to return these amounts to the mining companies and then, perhaps, require the District Mineral Foundation to bear the entire expenditure of Rs.4.00 crores.

9. The mining companies i.e. Respondents No.6, 7 and 8 to deposit Rs.65,00,000/- each in this Court on or before 27th January, 2020.

10. The learned Counsel appearing for the mining companies request that even the issue as to whether there is really any silt in the fields or not, be also kept open. Even this issue is kept open though, prima facie, there is enough material on record to indicate that there is silt in the fields.

11. We clarify that the observations in this order are only prima facie and all contentions of all parties are specifically kept open.

12. S.O. to 3rd February, 2020. On this date, the Water Resources Department, to file a status report

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

ssm.

Jose

**IN THE HIGH COURT OF BOMBAY AT GOA**

**STAMP NUMBER (APPLN.) NO.1101 OF 2020 (F)**

**IN**

**MISC. CIVIL APPLICATION NO.354 OF 2017**

THE STATE OF GOA THROUGH ITS  
CHIEF SECRETARY AND 7 ORS.

... Petitioners.

*Versus*

VILLAGERS OF THE SHIRGAO VILLAGE

... Respondents.

Mr. Devidas Pangam, Advocate General with Mr. Deep Shirodkar,  
Additional Government Advocate *for the Applicants.*

Mr. A.F. Diniz, Senior Advocate with Mr. Abhinandan Patil,  
Advocate *for original Respondent No.6.*

Mr. S.D. Lotlikar, Senior Advocate with Ms. S. Kenny, Advocate  
*for original Respondent No.7.*

Mr. Sudin Usgaonkar, Senior Advocate with Ms. T. Mashelkar,  
Advocate *for original Respondent No.8.*

Ms. Norma Alvares, Advocate *for original Petitioners in  
MCANo.354/2017/Respondent No.1.*

Mr. Abhinandan Patil, Proprietor of Abhinandan Builders.

**CORAM: M.S. SONAK &  
R.N. LADDHA, JJ.**

**DATED: 25<sup>th</sup> April 2022**

**P.C:**

1. Heard learned Counsel for the parties.
2. Status report has been filed by the Executive Engineer, Works Division VI, Water Resources Department.

3. This report says that approximately 55.55 % of the work concerning savat khazan is complete. The contractor who is present before us claims that more works have been carried out i.e. about 29 hectares and not merely 25 hectares.

4. At least the undisputed position is that work to the extent of 25 hectares has been carried out. The status report further states that the progress of the work at the site is not satisfactory and sufficient machinery and work force is not engaged by the contractor to complete the work within a time frame.

5. However, the contractor who is present in the Court states that the work will be completed within the time frame indicated. He states that if it is necessary, he will employ additional work force and additional machinery at the site to ensure that the work is completed within the time frame.

6. In the Water Resources Department status report, there is a statement that the Directorate of Settlement and Land Records has to take up the work of demarcation in the acquired area before the onset of monsoons as there will be a growth of vegetation in the fields during the rainy season. The Directorate of Settlement should indeed take up this work at the earliest. Even the representatives of the Tenants Association have promised to extend help for the work of demarcation. Therefore, we direct that even this work be completed at the earliest.

7. Now that work to the extent of at least 50% is completed, we permit the State to withdraw an amount of ₹1 crore from out of ₹1.95 crores that is deposited in this Court. The learned Advocate General states that bank

details will be furnished to the Registry. The Registry to ensure that the amount of ₹1 crore from out of the deposited amount is transferred to this bank account at the earliest.

8. Such withdrawal will be without prejudice to the rights and contentions of all parties including, in particular, the mine owners who have deposited this amount. It is the contention of the mine owners that they are not liable to pay this amount or in any case, since they have contributed to the mineral foundation, it is the mineral foundation that should pay this amount. These contentions were considered, *prima facie*, even at the stage when the orders for deposit and withdrawal of some portion were earlier made. In any case, we clarify that these present orders for withdrawal are not intended to be final but only interim. Therefore, all such contentions, amongst others, are left open.

9. Stand over to 15.06.2022, on which date the work of Water Resources Department, Directorate of Settlement and Land Records as well as the contractor should file a compliance report.

10. The contractor will have to file his report by 07.06.2022 and submit a copy to the Water Resources Department and the Directorate of Settlement and Land Records. The Water Resources Department should verify the position at the site and file its report by 13.06.2022.

11. Place this matter on 15.06.2022.

**R.N. LADDHA, J.**

**M.S. SONAK, J.**

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C y y 4 4 C y F  
C JALWAIRINGIRANAN  
BLSCL

## Annexure H

No. 96/53/87- Mines/Part/3350  
 Government of Goa,  
 Directorate of Mines & Geology  
 Udyog Bhavan,  
 Panaji-Goa.

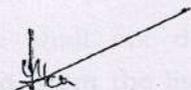
Dated:- 10 / 12 / 2008.

To,  
 M/s. Rajaram Bandekar (-Sirigao) Mines Pvt. Ltd.,  
 Nitin Chambers,  
 P.O. Box No.31,  
 Vasco Da Gama, Goa.

Sirs,

With reference to your application for issue of Valid Clearance Certificate, I am to enclose herewith valid clearance certificate bearing No. 96/53/87- Mines/Part/3312 dated 05/12/2008. Receipt of the same may kindly be acknowledged.

Yours faithfully,

  
 (A.T. D'Souza)  
 Senior Geologist

Encl: As above.

12/17/08  
 Copy given to Mr. Felix  
 Verma

396

No. 96/53/87- Mines/Part 133  
 Government of Goa,  
 Directorate of Mines & Geology  
 Udyog Bhavan,  
 Panaji-Goa.

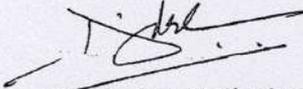
Dated: 05 / 12 / 2008.

**VALID CLEARANCE CERTIFICATE**

This is to certify M/s. Rajaram Bandekar ( Sirigao ) Mines Pvt. Ltd., who are the registered holders of T.C. No.4/49 situated at Sirigao village of Bicholim Taluka, have no dues outstanding towards dead rent/surface rent and royalty for the following period :-

1. 23/05/1987 to 31/03/1988	11.01/04/1997 to 31/03/1998
2. 01/04/1988 to 31/03/1989	12.01/04/1998 to 31/03/1999
3. 01/04/1989 to 31/03/1990	13.01/04/1999 to 31/03/2000
4. 01/04/1990 to 31/03/1991	14.01/04/2000 to 31/03/2001
5. 01/04/1991 to 31/03/1992	15.01/04/2001 to 31/03/2002
6. 01/04/1992 to 31/03/1993	16.01/04/2002 to 31/03/2003
7. 01/04/1993 to 31/03/1994	17.01/04/2003 to 31/03/2004
8. 01/04/1994 to 31/03/1995	18.01/04/2004 to 31/03/2005
9. 01/04/1995 to 31/03/1996	19.01/04/2006 to 31/03/2007
10.01/04/1996 to 31/03/1997	20.01/04/2007 to 31/03/2008

Without prejudice, the present certificate shall not discharge M/s. Rajaram Bandekar ( Sirigao ) Mines Pvt. Ltd. from the liability to pay mining dues which, may be subsequently found payable by them, under the Mines and Minerals (Development and Regulation) Act 1957 and Rules made thereunder.

  
 ( Arvind D. Loliyekar )  
 Director of Mines & Geology

## Annexure I

Subject: Meeting of Shirgaon Gramasth  
 is held today on the issue of mining  
 operation of Shirgaon Block / Discussion of Water Bill  
 The Affected People are present as  
 under:

- 1) Mr. Yogesh Gaonkar
- 2) Mr. Laxman Gaonkar
- 3) Mr. Venu P. Gaonkar
- 4) Mr. Vishwamver G. Gaonkar (Ex Sarpanch / Ex Communitade President)
- 5) Mr. Jayant Y. Gaonkar (Deputy, Sarpanch)
- 6) Mr. Devraj G. Gaonkar (Panch Member)
- 7) Mrs. Vedika V. Shirgaonkar (Panch Member)
- 8) Mr. Ajay M. Gaonkar (Vice President Laxmi Saasthan)
- 9) Mr. Ajay A. Gaonkar (President of Communitade)
- 10) Mr. Vinod G. Shirgaonkar (Vishirgaon Taluk)
- 11) Mr. Sitaram R. Gaonkar (Ex President Communitade)
- 12) M. Laxman B. Gaonkar
- 13) Sarvesh S. Gaonkar
- 13) Deepip Pahi
- 14) 24/11/2011 21/11/2011
- 15) Siddhesh P. Sawant
- 16) Amit S. Shirgaonkar
- 17) RUPESH Gaonkar
- 18) B. Prasad B. Shirgaonkar
- 19) Shakhari P. Nalk
- 20) Prasad W. Desai
- 21) Jaydev S. Gaonkar
- 22) Yesulo S. Ghatwal
- 23) Tukidos S. Gaonkar
- 24) Sandip K. Kundekar
- 25) Romakhant K. Gaonkar

26	Vishwas V. Vaidhale	<del>Handwritten signature</del>
27	Kashirath A. Gaonkar	(10)
28	Umesh Kuddekar	<del>Handwritten signature</del>
29	शिवशिव शिवशिव शिवशिव	8/10/23
30	शिवशिव शिवशिव शिवशिव	<del>Handwritten signature</del>
31	शिवशिव शिवशिव शिवशिव	<del>Handwritten signature</del>
32	शिवशिव शिवशिव शिवशिव	<del>Handwritten signature</del>
33	Kunal. m. Shingankar	<del>Handwritten signature</del>
34	Kishor C. Gaonkar	<del>Handwritten signature</del>
35	Vishnu R. Gaonkar	<del>Handwritten signature</del>
36	Mahesh. m. Chauhan	<del>Handwritten signature</del>
37	Deepak Vishnu Chauhan	<del>Handwritten signature</del>
38	Chandras G. Gaonkar	08/10/23
39	Kandras m. Shingankar	<del>Handwritten signature</del>
40	Sanjay C. Gaonkar	<del>Handwritten signature</del>
41	Vishnuji. Gaonkar	<del>Handwritten signature</del>
42	Prakash K. Gaonkar	<del>Handwritten signature</del>
43	Samir. K. Kelavankar	<del>Handwritten signature</del>
44	Dasavath Bhanuankar	<del>Handwritten signature</del>
45	Chandraslekhar Jalvi	<del>Handwritten signature</del>
46	Vinod S. Gaonkar	<del>Handwritten signature</del>
47	Chandras V. Gaonkar	<del>Handwritten signature</del>
48	Ramchandra S. Gaonkar	<del>Handwritten signature</del>
49	Shivaji R. Gaonkar	<del>Handwritten signature</del>
50	Amit Anant Gaonkar	<del>Handwritten signature</del>
51	Mahadev P. Gaonkar	<del>Handwritten signature</del>
52	Tulsidas D. Chodankar	<del>Handwritten signature</del>
53	Tulsidas N. Chodankar	<del>Handwritten signature</del>
54	Gouresh - m. Kauthankar	<del>Handwritten signature</del>
55	EKNATH A. GHADI	<del>Handwritten signature</del>
56	Shamila F. Chauli	<del>Handwritten signature</del>

57	Saijor Krishna Braonker	Braonker	Braonker
58	Vishwanath	Chitambar	Chitambar
59	Babdo	Patil	Patil
60	Gurudas Patil		Patil
61	Sadanand Kudhnikar		Kudhnikar
62	Ketan Gaudkar		Gaudkar
63	Vaman R. Gaudkar		Gaudkar
64	Hemant S. Chauhan		Chauhan
65	Balramji Gaudkar		Gaudkar
66	Wajananand S. Ghosh		Ghosh
67	Bela V. Gaudkar		Gaudkar
68	Grisham Gaudkar		Gaudkar

The Meeting was held on 08/10/2023 at 19:00 hrs in the premises of Shri Ravalnath Temple Shingao - Bicholim - Goa. A news was published in "Gomanak" daily on 07/10/2023 stating that five self-fish residents from Shingao Village had filed Public Interest litigation before the High Court Goa against the three mining companies M/s Vedanta Ltd M/s Rajaram Banderkar Pvt Ltd M/s Salgaonkar Shipping Pvt Ltd. They objected proposed mining operation at Shingao - Goa. The following issues were discussed.

- 1) Employment to Unemployment residents from Shingao
  - 2) Employment to Trucks in mining activity from Shingao Village.
  - 3) Payment of drinking water bills of residents of Shingao.
- Items No. 1 & 2 were discussed in details. The mining activities / operation are stopped from 2012 on wards. Workers deployed in All above mines are

retroached and they are jobless they stopped the education of their children they have crossed the age of 45 to 50 yrs. No job opportunities are available for them. Few trucks are Auctioned by the banks their financial conditions are very miserable and no body is helping them in the market for their survival Therefore under any circumstances the mining operation of above three mines shall be commenced at the earliest and all residents of Shirgao have decided support the mining companies and Govt to start the mine operation without further delays

Mr. Ajay A. Gaonkar, president of Comunidade Shirgao

Mr. Kashinath R. Gaonkar Attorney of Comunidade Shirgao.

Mr. Vishwambar G. Gaonkar Sub Attorney of Comunidade of Shirgao

Mr. Ajay M. Gaonkar Vice president of Loura saasthan.

Mr. Jayant Y. Gaonkar Dy. Sarpanch.

Adv. Sitaram R. Gaonkar - Ex president of Comunidade

Mines Workers & Truck Owners participated in the discussions.

It was unanimously resolved that all residents from Shirgao Village must support the three mining company to start the mining operation at the earliest.

The subject of water bills of residents of Shirgao was placed before the meeting wherein Mr. Vinod Shirgaonkar and Dy Sarpanch Shri. Jayant Gaonkar informed that the issue has been already taken up by Mr. Poemonda Shet MLA of Moyem and this will be resolved during next week.

The meeting concluded at 20:30 hrs on 08/10/2023 with Thanks to the Chairs.

Ajay Anant Gaonkar  
Secretary

reached and they are jobless they stopped the education of their children they have crossed the age of 45 to 50 yrs. No job opportunities are available for them. Few tractors are Auctioned by the banks, their financial conditions are very miserable and no body is helping them in the market for their survival therefore under any circumstances the mining operation of above three mines shall be commenced at the earliest and all residents of Shirgao have decided support the mining companies and Govt to start the mining operation without further delays

Mr. Ajay A. Gaonkar, president of Comunidade, Shirgao

Mr. Kashinath R. Gaonkar Attorney of Comunidade Shirgao.

Mr. Vishwambar G. Gaonkar Sub Attorney of Comunidade of Shirgao

Mr. Ajay M. Gaonkar Vice president of Pzira Sausthan.

Mr. Jayant Y. Gaonkar Dy. Sarpanch.

Adv. Sitaram R. Gaonkar - Ex president of Comunidade.

Mines Workers & Truck Owners participated in the discussions.

It was unanimously resolved that all residents from Shirgao Village must support the three mining company to start the mining operation at the earliest.

The subject of water bills of residents of Shirgao was placed before the meeting where in Mr. Vinod Shirkonkar and Dy Sarpanch Shri. Jayant Gaonkar informed that the issue has been already taken up by Mr. Poemonda Sher MLA of Moyem and this will be resolved during next week.

The meeting concluded at 20:30 hrs on 08/10/2023 with Thanks to the Chairs.

Ajay Anant Gaonkar  
Member

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Subject :- Meeting Of Sirgao Gramasth is held Today on the issue of mining operation of Shirgao Block/Discusion of Water Bills The Affected People are Present as under:-

Sr.No.	Names
01	Mr. Yogesh Gaonkar
02	Mr. Laxman Gaonkar
03	Mr. Vasu P Gaonkar
04	Mr. Vishwamber G. Gaonkar( Ex. Sarpanch/Ex.Communidade president)
05	Mr. Jayant Y Gaonkar (Depu. Sarpanch)
06	Mr.Devraj G. Gaonkar (Panch Member)
07	Mrs. Vedika V Shirgaonkar (Panch Member)
08	Mr. Ajay M Gaonkar (Vice resident Lairai Sausthan)
09	Mr. Ajay A Gaonkar (President of Comunidade)
10	Mr. Vinod G Shirgaonkar
11	Mr. Sitaram R. Gaonkar(Ex President Comunidade)
12	Mr. Laximan B Gaonkar
13	Mr. Sarvesh S. Gaonkar
14	Mr. Deelip
15	Mr. Satyavan Satardekar
16	Mr. Siddesh P Sawant
17	Mr. Amit S. Shirgaonkar
18	Mr. Rupesh Gaonkar
19	Mr. Prashant B Shirgaonkar
20	Mr. Shakhar P Naik
21	Mr. Prasad U Devidas
22	Mr. Jaydev S. Gaonkar
23	Mr. Yesulo S Ghatwal
24	Mr. Tulshidas S. Gaonkar

25	Mr. Sandip K Kundekar
26	Mr. Ramakant K Gaonkar
27	Mr. Krishna V. Volviakar
28	Mr. Kashinath Gaonkar
29	Mr. Uday Kundaikar
30	Mr. Ganesh Gopal Gaonkar
31	Mr. Prajal Gaonkar
32	Mr. Dilip Gaonkar
33	Mr. Shambu Gaonkar
34	Mr. Kunal Shirgaonkar
35	Mr. Kishor Gaonkar
36	Mr. Vishnu Gaonkar
37	Mr. Mahesh N Chari
38	Mr. Deepak Vishnu Chari
39	Mr. Charandas G. Gaonkar
40	Mr. Kundesh M Shirgaonkar
41	Mr. Sanjay C Gaonkar
42	Mr. Vishvajit Gaonkar
43	Mr. Prakash K Gaonkar
44	Mr. Dasarath Bhamaikar
45	Mr. Samarth Kalangutkar
46	Mr. Chandrashekhar
47	Mr. Vinod S. Gaonkar
48	Mr. Chandra V Gaonkar
49	Mr. Ramchandra Gaonkar
50	Mr. Shiva R. Gaonkar
51	Mr. Amit Anant Gaonkar
52	Mr. Mahadev P Gaonkar
53	Mr. Tulsidas D. Chodankar
54	Mr. Gauresh M Kurtharkar

55	Mr. Aknath A Ghadi
56	Mrs. Sharmila E Ghadi
57	Mr. Sagar Krishna Gaonkar
58	Mr. Vishnu
59	Mr. Bablo Kudnekar
60	Mr. Guruda Kudnekar
61	Mr. Sadanand Kundekar
62	Mr. Vaman Gaonkar
63	Mr. Hemant S Chari
64	Mr. Balaram Gaonkar
65	Mr. Vijayanand Ghadi
66	Mr. Bela V. Gaonkar
67	Mr. Girish Gaonkar.
68	Mr. Tulshidas Ghadi

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The Meeting was commenced on 08/10/2023 at 19:00 hrs. in the premises of Shri Ravalnath Temple Shirgao Bicholim – Goa as news was published on “Gomantak” daily on 07/10/2023 stating that five self fish residents from Shirgao village had filled Public interest litigation before the high court Goa against the three mining companies M/S Vedanta Ltd. M/S Rajaram Bandekar Shirgao Mines Pvt Ltd. & M/S Salgaonkar Shipping Co. Pvt.Ltd. They objected proposed mining operation at Shirgao Goa. The following issues were discussed.

1. Employment to Unemployment residents from Shirgao.
2. Employment to Trucks in mining activity from Shirgao village.
3. Payment of drinking water bills of residents of Shirgao

Items No. 1 & 2 were discussed in details. The mining activities operation are stopped from 2012 onwards workers deployed in all above mines are retrached and they are Jobless. They stopped the education of their children they have crossed the age of 45 to 50 yrs.

No job opportunities are available for them. Few trucks are Auctioned by the Banks their Financial Conditions are very miserable and nobody is helping them in the market for their survival. Therefore under any circumstances the mining operation of above three mines shall be commenced at the earliest and all residents of Shirgao have decided

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support the mining companies and Government to start the mines operation without further delay.

Mr. Ajay A. Gaonkar, President of comunidade, Shirgao

Mr. Kashinath R. Gaonkar , Attorney of Comunidade of Shirgao

Mr. Vishwamber G. Gaonkar. Sub Attorned of Comunidade of Shirgao

Mr. Ajay M. Gaonkar Vice President of Lairai Sausthan

Mr. Jayant Y. Gaonkar Dy. Sarpanch

Adv. Sitaram R. Gaonkar, Ex. President oc Comunidade

Mines workers & Truck owners participated in the discussions.

It was unanimously resolved that all residents from Shirgao village must support the three mining company to start the mining operation at the earliest.

The Subject of water bills of residents of shirgao was placed before the meeting where in Mr. Vindo Shirgaonkar and Dy. Sarpanch Shri Jayant Gaonkar informed that the issue has been already taken up by **Mr. Premendra Shet MLA** of Mayem and this will be resolved during next week.

The Meeting concluded at 20:30 hrs on 08/10/2023 with thanks to the chairs.

Ajay Anant Gaonkar

**support the mining companies and Government to start the mines operation without further delay.**

**Mr. Ajay A. Gaonkar, President of comunidade, Shirgao**

**Mr. Kashinath R. Gaonkar , Attorney of Comunidade of Shirgao**

**Mr. Vishwamber G. Gaonkar. Sub Attorned of Comunidade of Shirgao**



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## Annexure J

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2024 DGLS(Bom.) 473  
(BOMBAY HIGH COURT)  
(PANAJI BENCH)

Equivalent Citations :- 2024 (3) AIR Bom R 59 :

Before :- P.D. Naik : B.P. Deshpande :JJ

MSPL Limited  
Versus  
State of Goa

Case No. : Civil Writ Petition No.592 of 2022  
Date of Decision : 12-02-2024

Acts Referred :

Constitution of India,Art.14  
Constitution of India,Art.19(1)(g)  
Constitution of India,Art.226  
Mines and Minerals (Development and Regulation) Act,S.10(B)  
Mineral (Auction) Rules,R.9(2)

Cases Referred :

1. K.Jayaram and Others Vs. Bangalore Development Authority and Others;2022 KCCR (2) 1601 : 2021 Scale (14) 663 : 2022 Kar.L.J. (2) 225 : 2022 K.L.T. (1) 168 : 2021 DGLS(SC) 917 : 2022 Supreme (4) 249 : 2022 SCC (12) 815 :
2. Agmatel India Private Limited Vs. Resoursys Telecom and Others;2022 KCCR SN (3) 210 : 2022 SCC (5) 362 : 2022 AIR(SC) 1103 : 2022 Supreme (2) 457 : 2022 DGLS(SC) 112 : 2022 CTC (2) 661 : 2022 AIR(SCW) 1103 : 2022 Scale (2) 554 :
3. Afcons Infrastructure Limited Vs. Nagpur Metro Rail Corporation Limited and another;2016 AIR Bom R (6) 235 : 2016 AIR(SC) 4305 : 2016 AIR(SCW) 4305 : 2017 All.M.R. (1) 448 : 2016 BC (4) 485 : 2016 DGLS(SC) 976 : 2016 JT (9) 165 : 2016 K.L.T. (4) 6 : 2016 MLJ (7) 172 : 2016 Scale (8) 765 : 2016 SCC (16) 818 : 2016 Supreme (6) 639 : 2016 ALD(SC) (6) 180 :
4. National Highways Authority of India Vs. Gwalior Jhansi Expressway Limited;2018 KCCR SN (4) 462 : 2018 Arb.L.R (4) 145 : 2018 Scale (8) 738 : 2018 SCC (8) 243 : 2018 DGLS(SC)



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662 : 2018 JT (7) 36 : 2018 AIR(SC) 3380 : 2018 MLJ (7) 202 : 2018 BC (3) 550 : 2018 AIR(SCW) 3380 : 2018 Supreme (8) 55 :  
5. Galaxy Transport Agencies v. New J K Roadways, 2020 SCC OnLine SC 1035

Advocates Appeared :

Mr.Nitin N. Sardessai, Senior Advocate with Ms. Swati S. Kamat-Wagh and Mr. S. Sardessai, with Ms. Deepati Valvaikar Advocates for Petitioner.

Mr. D. Pangam, Advocate General with Mr. Deep Shirodkar, Additional Government Advocate for the Respondent Nos. 1 and 2.

Mr. Pravin Faldessai, Dy. Solicitor General of India with Mr. Raviraj Chodankar, Central Government Standing Counsel for the Respondent No.3.

Mr. S. S. Kantak, Senior Advocate with Mr. Preetam Talaulikar, Mr. A. Gosavi and Mr.Guruprasad Naik, Ms. Neha Kholkar, Ms. Saicha Dessai, Ms.Krupa Naik, Advocates for the Respondent No.4.

Mr. A. D. Bhohe with Ms. S. Shaikh & Ms. A. Fernandes, Advocate for Respondent No.5.

Mr. A. F. Diniz, Senior Advocate with Mr. Ryan Menezes, Ms. Gina Almeida, Mr. Nigel Fernandes and Ms. Stephanie C. Alvares, Advocates for the Respondent No.6.

Mr. Parag Rao with Mr. Ajay Menon, Mr. Akhil Parrikar, Ms. Soumya Drago, Advocates for the Respondent No.7.

## **JUDGMENT :**

**Per Prakash D. Naik, J. :-**

1. The petitioner has preferred the present Petition under Article 226 of the Constitution of India for following reliefs:-

(i) Strike down clause 1.3 of the tender document and clause 11(a) of the bid document to the extent it fails to disclose basic and essential facts such as approved mine plan, borehole data, exploration data, production data of the previous five years etc.

(ii) Quash and set aside e-auction process initiated by respondent No.1 and 2 pursuant to Notice Inviting Tender dated 30th September 2022 with respect to viz. Bicholim (Block-I), Sirigao-Mayem (Block-II), Monte De Sirigao (Block-III) and Kalay (Block-IV) mines.

(iii) Quash and set aside letter of intent (LOI) issued by the Respondent No.1 and 2 pursuant to declaration of Respondent Nos. 4 to 7 as preferred bidders with respect to respective viz.



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Bicholim (Block-I), Sirigao-Mayem (Block-II), Monte De Sirigao (Block-III) and Kalay (Block-IV) mines.

(iv) Quash and set aside any process initiated by Respondent No.1 and 2 pursuant to letter of intent (LOI) issued to Respondent Nos. 4 to 7 as preferred bidders with respect to respective viz. Bicholim (Block-I), Sirigao-Mayem (Block-II), Monte De Sirigao (Block-III) and Kalay (Block-IV) mines.

(v) In the alternative issue, direction to the Respondent to provide basic and essential data i.e. exploration data, borehole data, approved mine plan, etc. which it is duty bound to disclose the all bidders.

2. The Respondent Nos.1 and 2 filed Affidavit in reply dated 14th December 2022. The petitioner filed Affidavit in rejoinder on 26th December 2022. Respondent NO.6 filed Affidavit in reply on 21st April 2023. The respondent No.5 filed reply dated 7th June 2023. Thereafter, petitioner filed affidavit in rejoinder to replies of respondent Nos. 4, 5, 6 and 7 dated 21st June 2023 and Additional Affidavit in rejoinder dated 14th July 2023 to Affidavit of Respondent No. 1 and 2.

3. Respondent No.4 is preferred bidder in whose favour Respondent No.2 has issued letter of intent (for short "LOI") with respect to mining block viz. Bicholim (Block-I). Respondent No.5 is preferred bidder in whose favour Respondent No.2 has issued LOI with respect to Sirigao-Mayem (Block-II), Respondent No.6 is preferred bidder in whose favour Respondent No.2 has issued LOI relating to Monte De Sirigao (Block-III) and the Respondent No.7 is preferred bidder which has been issued LOI in respect to Kalay (Block-IV).

4. The Respondent No.2 issued Notice Inviting Tender (for short "NIT") dated 30th September 2022 inviting bids for grant of mining lease for iron ore. It was stated that, in exercise of powers conferred by Section 10(B) of the Mines and Minerals (Development and Regulation) Act, 1957 and in accordance with the Mineral (Auction) Rules, 2015, as amended from time to time notified thereunder, the Government of Goa has identified four minerals blocks of iron ore mineral for electronic auction and invites tenders for the purposes of grant of mining lease. Accordingly, financial bids are invited in digital format only and technical bids are invited in digital and physical format from eligible bidders. Eligibility conditions, date and time for participating in the electronic auction are provided in the tender document. Detailed tender documents along with timelines, notifications, updates and other details for the e-auction process for the mineral blocks are available in electronic form only and can be downloaded from the website of MSTC Ltd. interested and eligible bidders can register themselves on the



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provided website. On successful registration, eligible bidders will obtain login ID and password necessary for participation in the e-auction process. Model tender document and mineral block summary are available free of cost on the website of MSTC Limited. The last date for purchase of tender document after payment of tender fee on website of e-auction platform provider is 15th November 2022 and the last date for submission of the bid is 21st November 2022. Corrigendum-1 dated 8th November 2022 to tender document for grant of mining lease for Iron Ore mineral was issued by Government of Goa.

5. Clause 1.3 of the tender document reads as under:-

“1.3. This Tender Document is neither an agreement nor an offer by the State Government to the prospective Bidders or any other person. The purpose of this Tender Document is to provide interested parties with information that may be useful to them in making their bids pursuant to this Tender Document. This Tender Document includes statements which reflect various assumptions and assessments arrived at by the State Government in relation to the mineral block. Such assumptions, assessments and statements do not purport to contain all the information that each Bidder may require. This Tender Document may not be appropriate for all persons, and it is not possible for the State Government, its employees or advisors to consider the investment objectives, financial situation and particular needs of each party who reads or uses this Tender Document. The assumptions, assessments, statements and information contained in the Tender Document may not be complete, accurate, adequate or correct. Each Bidder should, therefore, conduct its own investigations and analysis and should check the accuracy, adequacy, correctness, reliability and completeness of the assumptions, assessments, statements, and information contained in this Tender Document and obtain independent advice from appropriate sources.”

6. Clause 11(a) of the bid cover letter is as under:-

“11. I/We have declare that:-

(a). I/We have examined and understood the Act, all Rules framed thereunder, the Tender Document and all documents referred therein including the Information Memorandum.”

7. Petition was heard on 23rd November 2022 for considering grant of interim relief. The prayer for grant of interim relief was declined. It was observed that the last date of submission of the bids is 28th November 2022. The petition was filed on 22nd November 2022. The grievance relates to the NIT published on 30th September 2022 and the alleged lack of adequate information in the same. If the petitioners were serious about the information they press, they



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could have instituted the petition earlier. The NIT has atleast prima facie disclosed adequate information. General queries have been responded to. Over 50 applicants have evinced interest in the auction process and have not raised any grievance of lack of transparency or information. In determining and formulating the conditions of NIT, the State has sufficient freedom and the scope of judicial review is generally limited. No case of patent arbitrariness or lack of transparency is made out at this stage. The records of the petition indicate that voluminous responses have been furnished to the general queries concerning the tender document. All these responses are contained in Annexure E. Clause-4 of notice inviting tender deals with information about mineral block. There is a reference to the precise map of the mineral block identified, including geographical coordinates, revenue survey detail, demarcation using total station etc. and also a geological report of the mineral block specifying particulars and estimated mineral resources Iron Ore found in the identified mineral block determined under the Minerals (Evidence of Mineral Content) Rules, 2015. This clause refers to a separate information memorandum attached along with the tender document as schedule-V. The petitioners ought to have placed schedule-V along with the memorandum of Petition. Any grant of interim relief at this stage will affect the auction schedule. The entire process might be derailed. The petitioner has not explained why the voluminous information supplied is inadequate. The petitioner did not place the complete information already provided along with the NIT on record. Interim relief was declined. The petitioner stated that the petitioner would participate in the auction process without prejudice to the rights and contentions raised in the petition. It was clarified that mere participation in the process would not prejudice the rights, if any, in this petition.

8. The petitioner participated in the auction process by submitting its bid. E-auction was conducted by respondent No.2 and list of preferred bidders was published by the ministry of Mines, Government of India. Liberty was granted vide order dated 7th February 2023 to the petitioner to amend the petition. Since the amendment involved addition of parties, notice was issued to newly impleaded parties.

9. Learned Senior Advocate Mr.Sardesai appearing for Petitioner submitted that, clause 1.3 of tender document and clause 11(a) of the bid cover letter is contrary to Rule 5 and 6 of the Minerals (Evidence and Mineral Contents) Rules, 2015 and Rule 9(2) of the Mineral Auction Rules, 2015. The Respondent Nos.1 and 2 had duty to disclose basic essential facts including the approved mine plan, borehole data, exploration data, production data of the previous five years, etc. in correct format. The tender document does not disclose the basic information. The tender document is not in line with Mineral Auction Rules, 2015 and Minerals (Evidence of Mineral Contents) Rules, 2015. Rule 9(2) of the Mineral Auction Rules, 2016 stipulates that the tender document issued by the State Government shall contain geological report pursuant to



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the Minerals (Evidence of Mineral Contents) Rules, 2015 specifying particulars and estimated quantities of all minerals discovered in the area; the revenue survey details of the area identified and demarcated using total station and differential global positioning system divided into forest land, land owned by the State Government; the land not owned by the State Government; the scheduled date of commencement of production in case of auction of mining lease in respect of an area having existence of mineral contents established in accordance with Rule 5 of the Minerals (Evidence of Mineral Contents) Rules, 2015. Rule 5 of the Minerals (Evidence of Mineral Contents) Rules 2015 stipulates that Existence of mineral contents (for grant of mining lease under clause (a) of sub-Section 2 of Section 5 and) for auction of mining lease under sub-Section (3) of Section 10B and sub-Section (2) of Section 11 of the Act- at least General Exploration has been completed to establish indicated mineral resource and a geological study report prepared conforming to part-IV of Schedule-I. Provided that for the minerals specified in schedule-11 occurring in such type of deposits or specified therein, the existence of mineral contents for the purpose of auction shall be deemed to have been established under this Rule, if in respect of such area- at least preliminary exploration (G3) has been completed to establish inferred Mineral Resource which shall be considered akin to indicate mineral resource and a geological study report has been prepared conforming to part IV of Schedule-I. The geological report provided by respondent is in violation of G2 level exploration and the provision of part-IV A as required under Rule 5 of the Minerals (Evidence of Mineral Contents) Rules, 2015. The respondent has to act in conformity with Rule-6 of the Minerals (Evidence of Mineral Contents) Rules, 2015 to prepare a geological study report on the basis of last approved mining plan wherein either copy of mining plan has to be provided as part of geological report or extract of all the exploration data including lithology, borehole locations co-ordinates, borehole survey data etc. The geological report as required in part-IV schedule-I was not provided to the petitioner. Although, petitioner made representation calling for information from Respondent Nos. 1 and 2, there was no response. Respondent Nos. 2 issued corrigendum to tender document for grant of mining lease for iron ore mineral issued by Respondent No.1. The Respondents issued responses to general queries common to all mineral blocks as well as responses to technical queries on tender document for each block. However, respondents had deflected the questions and did not give conclusive answers to the queries. The petitioner participated in the auction process by submitting bid on the last day of submission. Bids were opened on 29th November 2022. The petitioner was declared as technically qualified bidder for the auction to be conducted between 14th December 2022 to 21st December 2022 with incomplete data without essential information that was vital for a fair and competitive bidding. E-auction was conducted from 14th December 2022 to 21st December 2022. In Block-I and III, the erstwhile lessees i.e. Respondent Nos. 4 and 6 were declared as preferred bidders and in block-IV, the respondent No.7 was declared as preferred bidder. The erstwhile lessees had an advantage of having basic and essential information/data



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pertaining to the mineral blocks leading to their full and effective participation in the bidding process with well informed decision thereby leading to their selection as preferred bidders. There was no level playing field in the e-auction process. The process of issuance of tender by the State Government is not in accordance with law. The petitioner is prejudiced by not providing basic and essential information. Clause 1.3 of tender document indicate that, entire ownership of bidders without providing essential data to the bidders. The tender document lack basic information and essential data. The tender document does not contain copy of last approved mining plan which is vital and directly link to the tender of blocks. The respondent Nos.1 and 2 were duty bound to initiate e-auction process in terms of mineral auction Rules. Auction of the State Government to proceed with assurance of LOI to Respondent Nos.4 to 7 in respect to four blocks is unreasonable and arbitrary. The discriminatory auction initiated the entire e-auction process. The material on website does not contain information in terms of rules. Along with affidavit in reply, the respondent Nos.1 and 2 have filed Schedule-V form of information memorandum i.e. summary of the mineral block. No further order or other material is produced by the Respondent No.1 to prove that basic and essential data sought by the petitioner has been provided. Clause 4.1 of the tender document has to be read with Rule 5 of Manual Auction Rule, 2015 which mandates for the State Government to survey and demarcate each mining lease block by using total station and differential global position system and divided into forest land, land owned by the State Government and land not owned by the State Government. Point No.(ii) of clause 4.1 point (i) referred to geological report of the Mineral Block specifying particulars and estimated mineral resources of iron ore found in the identified Mineral Block determined pursuant to the Minerals (Evidence of Mineral Content) Rules, 2015. The geological report in compliance with the Minerals (Evidence of Mineral Content) Rules, 2015. Rule 5 and 6 speaks about requirement of geological report for auction of mineral block. It mandated that geological study report should be prepared conforming to part-IV of the Schedule-I. Geological report attached as information memorandum is not in compliance to Part IV of the Schedule-I of the Minerals (Evidence of Mineral Content) Rules, 2015 as approved mining plan is referred for the majority of the information and copy of approved mining plan is missing from information memorandum. The information memorandum uploaded on the website is nothing more than summary of the Mineral Block tabulated further bifurcated with details by way of text as to locations, area, exploration, quantity of minerals, mineralised zones, accessibility, hydrography etc. In terms of Rule 9(2) of the Mineral Auction Rules the tender document issued by the State Government shall contain geological report. Under Rule 6 of Minerals (Evidence of Mineral contents) Rules, 2015 for any mining lease which has been expired or surrendered or terminated, the detailed reassessment of resources is not required to be carried out in cases where the estimate of Mineral Resource required for auction can be assessed on the basis of the available report of exploration or geological study report or last approved mining plan for the said area, after adjusting for the



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mineral already produced from the mine. The State is duty bound to provide information in the tender document as per rules. In spite of representations, the petitioner was not provided required information. In the absence of drill core analysis of each borehole drilled, the geological report renders incomplete. When the mandatory requirement of the law is not followed by the respondents, the tender process is violative of Article 14 and 19(1)(g) of the Constitution of India. Clause 4 of the tender document mentions that the information regarding the mineral block is included in a separate 'information memorandum' attached along with tender documents as schedule-V. Point No.(i) of clause 4.1 has to be read with Rules 5 of the Mineral Auction Rule 2015 which mandates for the State Government to survey and demarcate each mining lease block by using total station and differential Global positioning system and divided into forest land, land owned by State Government and land not owned by State Government. The details of DGPS report should have been provided by the State Government. The bidders are entitled to know details of DGPS survey report. Geological Report in accordance with point No. (ii) of clause 4.1, should be in compliance with Mineral (Evidence of Mineral Content) Rules, 2015. The information memorandum uploaded on website of MSTC is merely summary of Mineral Block. A thing to be done in particular manner should be done in that manner. No response was given to representation made by petitioner. Mandatory requirement of law is not followed by respondents. It is not correct that petition was filed to stall the tender process at the behest of erstwhile lease holders. Hence, the petition may be allowed by granting reliefs sought in the petition.

10. Learned Advocate General Mr.Pangam appearing for the Respondent Nos. 1 and 2 submitted that, the requisite information which is required to be supplied was available to the petitioner. The petition was on behalf of some erstwhile lease holder. Attempts were made by erstwhile lease holders to hold onto the lease. The petition filed by erstwhile lessees was dismissed by this Court by order dated 7th October 2022. The SLP challenging said order was dismissed by Apex Court by order dated 21st November 2022. It is submitted that, geological report of the mineral block specifying particulars and estimated mineral resources of iron ore found in the identified mineral block determined pursuant to the Minerals (Evidence of Mineral Content) Rules, 2015 was part of information which was available to the petitioner. The tender document mentions that, the said information regarding mineral block is included in separate information memorandum attached along with the tender document. The tender document also provided information about precise map of mineral block identified including geographical co-ordinates, revenue survey details, demarcated using total station and differential global positioning system and divided into forest land, land owned by the State Government and land not owned by the State Government. The tender document also mentioned that, bidders are encouraged to review the information memorandum. It is further submitted that, the tender document refers to Schedule-V viz. form of information memorandum attached separately to



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the tender document on the e-auction website of MSTC Limited. The point no.4 of tender document relates to mineral block. The same specifies that, the information is included in separate 'information memorandum' attached along with the document as schedule-V. In schedule-V it is mentioned that, the same is attached separately to the tender document on the e-auction website of MSTC Limited. The said document contains all the information relating to the mineral block. The tender document was made available on 30th September 2022. Pre-bid meeting was held and queries raised by the parties were responded to by the Department. The Responses were uploaded on 9th November 2022. The grievance of the petitioner is that, tender notice/document failed to disclose the basic and essential facts. The tender document is framed on the lines of the model tender document prescribed by the Ministry of Mines. Schedule-V gives elaborate details of the mineral block. Schedule-V has been suppressed by the petitioner. The bidders were provided access upon payment of necessary charges, to the geological report. The report contains several details. Apart from elaborate report, summary of mineral block has been additionally provided. The summary provides the latitudes and longitudes. The total number of bore holes have been given with meterage. The summary also contains the other details. The contention of the petitioner about failure to disclose the basic and essential facts is misconceived. The details of mineral block have been provided. The tender document provides all the relevant information of the mineral block. There is no requirement that, the mining plan submitted by the erstwhile leaseholder to the Government has to be provided for the purpose of auction. The tender process is held in the most transparent, open and fair manner. The petitioner had participated in block-IX on the basis of same document and did not make any grievance about lack of supplying requisite information. Hence, there is no substance in the petition. It is devoid of merits and deserves to be dismissed.

11. Learned Senior Advocate Mr. Kantak appearing for Respondent Nos. 4 and 7 submitted that, there is no defect in the tender process. There is no defect in tender document. The petitioner is guilty of suppression of vital information. The claim of petitioner is that material ought to have been given to him. The material has been provided in Schedule-V. There is no challenge to the fact that, the data given by the Government is sufficient. All the details are furnished to the petitioner. The petitioner has participated in the auction in April 2023 on same document. The petitioner has not made any statement as to how petitioner is prejudiced. The conduct of the petitioner is questionable. Point No.4 of the subject tender document relates to mineral block and specifies that, the information is contained in separate information memorandum which is attached to the tender document as Schedule-V. All information relating to the mineral block is contained in the said document. This document has vital bearing on the subject matter of the petition and therefore, the petitioner is duty bound to produce its copy with this petition. The petitioner contended that, the information was not available though in fact it



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was made available. The petitioner has made various statements which are incorrect and contrary to factual position. The issue whether the information contained in the tender document is sufficient or not being issue concerning questions of facts is not capable of resolution in the exercise of writ jurisdiction. The respondent Nos.1 and 2 have placed on record the fact that schedule-V contains the entire information in respect of mineral block. The information contained in schedule-V is adequate and sufficient to enable the bidder to submit his bid. Except stating that, information supplied is deficient and not adequate to submit a bid, the petitioner has not disclosed in what manner, the submission of bid would be affected or how it is not possible to submit proper bid. This Court in exercise of jurisdiction under Article 226 of the Constitution of India cannot undertake to ascertain whether the information supplied in terms of tender document is sufficient or adequate or not when the author of the document has categorically stated that, the information is sufficient and adequate to entertain the bids and has also put the bidders to notice that any other and further information should be obtained by the bidders before they submit the bid. The information given in schedule-V is based on the mining plan itself and necessary and relevant information is contained in Schedule-V. The tender document is detailed document furnishing the necessary and adequate information to entertain bid from serious prospective bidder. Insofar as clause 11(a) of the bid is concerned, the same has got no bearing on the ability to submit the bid on account of alleged deficient information contained in the tender document.

12. Mr. Kantak has relied upon the following decisions:-

- (i) K. Jayaram and Ors. Vs. Bangalore Development Authority and Ors. (2022) 12 SCC 815
- (ii) Agmatel India Pvt. Ltd. Vs. Resoursys Telecom and Ors. (2022) 5 SCC 362

13. Learned Senior Advocate Mr. Diniz submitted that, the petitioner did not participate in block-III. The petitioner has suppressed the details of which block his bid in the subject e-auction process relates to, and in respect to which block it was declared as technically qualified bidder. The elaborate details of the mineral block were set out in schedule-V. The bidders were provided access to the geological report of payment of necessary charges. All information/data which the respondents were obliged under the rules to make available was provided to the bidders desirous of participating in the e-auction. The list of preferred bidders was published by Ministry of Mines. In block-I and III, the respondent Nos. 4 and 6 were declared as preferred bidders. In block-IV, the group company i.e. Respondent No.7 of them operating contract of the lessees has been declared as preferred bidder. The contention of the petitioner that, the erstwhile lessees have an advantage of having basic and essential information/data pertaining to the mineral blocks is devoid of substance.



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14. Mr. Diniz has relied upon the following decisions:-

(i) National Highways Authority of India Vs. Gwalior Jhansi Expressway Limited, 2018 DGLS(SC) 662

(ii) Subir Ghosh Vs. The State of West Bengal and Ors. delivered by Calcutta High Court in F.M.A. No.910 of 2020 decided on 6th October 2020.

15. Learned Advocate Mr. Bhohe has adopted the submissions of learned Counsels representing other respondents.

16. We have scrutinized the document on record and the counter filed by Respondents. Primary grievance of the petitioner is that, the tender notice/ document failed to disclose the basic and essential facts which affects the tender process as such process should be open, fair and transparent. The tender documents are contrary to Rule 5 and 6 of the Minerals (Evidence and Mineral Contents) Rules, 2015 and Rule 9(2) of the Mineral Auction Rules, 2015.

17. The responses filed by Respondent Nos.1 and 2 discloses that 51 parties purchased the tender document and 28 bids have been received from 11 different parties, including the petitioner in relation to the 4 blocks which are being put to auction and no other party has any grievance about information not being disclosed. The four mineral blocks were Bicholim (Block-I), Sirigao-Mayem (Block-II), Monte De Sirigao (Block-III) and Kalay (Block-VI) Mines. E-auction was conducted by Respondent No.2 from 14th December 2022 to 21st December 2022.

18. Bidders were provided access upon payment of necessary charges to the geological report. The report contains ownership details, details of erstwhile lessees, details of auction block area with DGPS, co-ordinates of boundary pillars of the mine lease area, cadastral details of the area with land use, accessibility, physiography, regional geology details, geology of the mining block, type of mineralisation, details of exploration undertaken in the block, borehole details including drilling type, diameter, spacing, inclination number of bore holes, meterage, depth details etc., details of the mining pit, details of sample analysis, reserves and resource estimation, etc. report also provides the plans, maps, satellite images, geological sections and cross-sections. Apart from the report, the summary of mineral block is provided which contained latitudes and longitudes co-ordinates of the corner points as per DGPS have been specified total area and the villages and taluka under which the blocks fall, details of the mineralised area as provided. Total number of boreholes have been given with meterage.



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Density (spacing) of the boreholes is provided. The summary contained other details of ore, estimated quantity, grade of ore, particulars of lump ore and fine ore, mineralised zones with the number, trend and thickness, accessibility, hydrography etc. technical data for the block for preparing in terms of Minerals (Evidence and Mineral Contents) Rules, 2015. The technical data consist of geological cross section which have been prepared based on bore holes data.

19. The elaborate details of the mineral block were set out in schedule-V i.e. the separate information memorandum. The bidders desirous of participating in the e-auction were given access to geological report which contained several details. In schedule-V attached separately to the tender document provided all the information relating to the mineral block contained in the said document. The petitioner had not produced the said document in the petition. The petitioner is calling upon the Court to adjudicate on the issue whether the information supplied is sufficient or adequate to entertain the bids. While exercising powers under Section 226 of the Constitution of India, the Court cannot enter into arena of ascertaining sufficiency of material. It is pertinent to note that, other bidders has not made any grievance about non supply of sufficient material. The petitioner has also contended that, the information is not in accordance with requisite rules. We do not find any merits in the submission, the requisite information was provided and available to the petitioner. The petitioner has not demonstrated prejudice caused to it. In clause No.1.3 of tender document it is stated that the tender document is neither an agreement nor an offer by State Government to the prospective bidders or any other person. The purpose of tender document is to provide interested parties with information that may be useful to them in making bids. Each bidder should conduct its own investigation and analysis and should check the accuracy adequacy correctness reliability and completeness of assumptions, assessment, statements and information contained in the tender document and obtain independent advice from appropriate sources. Apart from that requisite information was available to bidder. Point No.4 of tender document relates to 'The Mineral Block' and specifies that information is contained in a separate 'information memorandum' which is attached to tender document as 'Schedule-V'. Information is available on website. All information relating to Mineral Block is contained in the said document. The author of document has stated that the information is sufficient and adequate to entertain the bids and put the bidders to notice that any other information should be obtained by bidders before they submit bid. The petitioner has not satisfied that there is case of patent deficiency of information which would disable bidder to submit bid. There is no defect in clause 1.3 of tender and clause 11(a) of bid document. The tender document is framed on the lines of model tender document prescribed by Ministry of Mines, Government of India. There is no evidence to show that respondent No.1 and 2 have discriminated between any persons and all material and information as per Rules has been disclosed to all bidders and auction was conducted in accordance with Rules. Schedule V contains elaborate details of mineral block. Apart from



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report, summary of Mineral Block is provided. The summary report provides latitudes and longitudes coordinates of corner points as per DGPS are specified. The total area and the villages and taluka under which block falls have been provided. The details of mineralised area and the non mineralised are provided. The total number of boreholes have been given with mitrage. Summary provides details of mineralised zones, with number trend and thickness. Other details relating to accessibility, hydrography is provided which forms part of schedule-V. Technical data for blocks was prepared in terms of Mineral (Evidence of Mineral Contents) Rules, 2015. It is consists of geological cross sections prepared on borehole data. It cannot be said that the respondent No.1 and 2 have not provided basi and essential facts. The clauses 1.3 and 11(a) cannot be said to be in breach of Rule 5 and 6 of Minerals (Evidence of Mineral Contents) Rules, 2015 and Rule 9(2) of mineral Auction Rules, 2015. The petition is based on the disputed question of fact. We are of the considered opinion that the relief sought in this petition cannot granted in exercising powers under Article 226 of the Constitution of India.

20. In the case of **K. Jayaram and Ors. Vs. Bangalore Development Authority and Ors.** (supra) the Apex Court had observed that jurisdiction exercised by the High Court under Article 226 of the Constitution of India is extraordinary, equitable and discretionary and it is imperative that the petitioner approaching the writ Court must come with clean hands and put forward all facts before the Court without concealing or suppressing anything. In the case of **Agmatel India Pvt. Ltd. Vs. ResourSYS Telecom and Ors.** (supra) the Apex Court has held that, the scope of judicial review in contractual matters, and particularly in relation to the process of interpretation of tender document, has been the subject matter of discussion in various decisions of this Court. Reference was made to the three judge Bench decision of the Apex Court in the case of **Galaxy Transport Agencies v. New J K Roadways, 2020 SCC OnLine SC 1035** wherein another decision in the case of **Afcons Infrastructure Ltd. v. Nagpur Metro Rail Corporation Ltd. (2016) 16 SCC 818** was referred and the Court had disapproved the interference by the High Court in the interpretation by the tender inviting authority of the eligibility term relating to the category of vehicles required to be held by the bidders, in the tender floated for supply of vehicles for the carriage of troops and equipment. In the case of **Galaxy Transport Agencies** (supra) it was observed that he authority that authors the tender document is the best person to understand and appreciate its requirements, and thus, its interpretation should not be second-guessed by a Court in judicial review proceedings. In the case of **National Highways Authority of India Vs. Gwalior Jhansi Expressway Limited,** (supra) it was observed that only the entities who participate in the tender process pursuant to a tender notice can be allowed to make grievances about the non-fulfillment or breach of any of the terms and conditions. In the case of **Subir Ghosh Vs. The State of West Bengal and Ors.** (supra) has observed that, it is possible that prospective bidder finds the terms of the tender documents to be unfair or illegal and challenges the same; but such challenge has to be



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before the time to put in the bids is closed. If a bid is made and the bid is thrown out on the illegal or unfair ground contained in the tender documents even, then challenge can be fashioned. But a person who has not participated in the bidding process at all cannot challenge the tender conditions on any ground whatsoever.

21. We do not find any reason to interfere with the auction process and to declare and/or to strike down the clause 1.3 of tender document and clause 11(a) of bid document. Petition is devoid of merits and deserves to be dismissed.

#### **ORDER**

Civil Writ Petition No.592 of 2022 stands dismissed and accordingly disposed off.