

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Miscellaneous Application No.18/2025 in W.P.(C) No.114/2014

[Arising out of impugned final judgment and order dated 02-08-2017 in W.P.(C) No.114/2014 passed by the Supreme Court of India]

COMMON CAUSE

Petitioner

VERSUS

UNION OF INDIA & ORS.

Respondent

[TO BE TAKEN UP AT 12:00 NOON].....MR. HARISH N. SALVE,
SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MR.
SIDDHARTHA CHOWDHURY, SR. ADVOCATE (A.C.) MR. Gautam Narayan, SR.
ADVOCATE (A.C.)

I.A. No.25684/2023-APPLICATION FOR PERMISSION
I.A. No.249622/2023-APPROPRIATE ORDERS/DIRECTIONS
I.A. No.167870/2024-APPROPRIATE ORDERS/DIRECTIONS
I.A. No.102100/2025-APPROPRIATE ORDERS/DIRECTIONS
I.A. No.129084/2026-APPROPRIATE ORDERS/DIRECTIONS
I.A. No.238478/2023-APPROPRIATE ORDERS/DIRECTIONS
I.A. No.182267/2025-APPROPRIATE ORDERS/DIRECTIONS
I.A. No.79915/2023-APPROPRIATE ORDERS/DIRECTIONS
I.A. No.180854/2025-APPROPRIATE ORDERS/DIRECTIONS
I.A. No.130079/2018-APPROPRIATE ORDERS/DIRECTIONS
I.A. No.7428/2024-APPROPRIATE ORDERS/DIRECTIONS
I.A. No.106334/2022-CLARIFICATION/DIRECTION
I.A. No.142086/2024-CLARIFICATION/DIRECTION
I.A. No.112481/2026-CLARIFICATION/DIRECTION
I.A. No.69260/2019-CLARIFICATION/DIRECTION
I.A. No.106308/2022-CLARIFICATION/DIRECTION
I.A. No.115862/2024-CLARIFICATION/DIRECTION
I.A. No.82319/2025-CLARIFICATION/DIRECTION
I.A. No.160455/2018-CLARIFICATION/DIRECTION
I.A. No.264258/2024-CLARIFICATION/DIRECTION
I.A. No.113096/2018-CLARIFICATION/DIRECTION
I.A. No.78138/2022-CLARIFICATION/DIRECTION
I.A. No.49058/2022-CLARIFICATION/DIRECTION
I.A. No.106336/2022-CLARIFICATION/DIRECTION
I.A. No.187354/2026-CLARIFICATION/DIRECTION
I.A. No.77513/2024-CONDONATION OF DELAY IN MAKING DEPOSIT
I.A. No.142085/2024-INTERVENTION APPLICATION
I.A. No.69256/2019-INTERVENTION APPLICATION
I.A. No.49052/2022-INTERVENTION/IMPLEADMENT
I.A. No.106323/2022-INTERVENTION/IMPLEADMENT
I.A. No.102098/2025-INTERVENTION/IMPLEADMENT
I.A. No.238428/2023-INTERVENTION/IMPLEADMENT

I.A. No.82494/2025-INTERVENTION/IMPLEADMENT
I.A. No.106304/2022-INTERVENTION/IMPLEADMENT
I.A. No.106292/2022-INTERVENTION/IMPLEADMENT
I.A. No.77181/2024-INTERVENTION/IMPLEADMENT
I.A. No.264257/2024-INTERVENTION/IMPLEADMENT
I.A. No.265237/2023-INTERVENTION/IMPLEADMENT
I.A. No.19209/2021-MODIFICATION OF COURT ORDER
I.A. No.116550/2022-MODIFICATION OF COURT ORDER
I.A. No.89454/2023-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES
I.A. No.76035/2025-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES
I.A. No.98726/2022-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES
I.A. No.173514/2025-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES
I.A. No.120890/2025-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES
I.A. No.117098/2025-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES
I.A. No.248545/2025-PERMISSION TO FILE APPLICATION FOR DIRECTION
I.A. No.188333/2024-PERMISSION TO FILE APPLICATION FOR DIRECTION

WITH

M.A. 292/2025 in W.P.(C) No.114/2014 (PIL-W)
I.A. No.6432/2026-APPROPRIATE ORDERS/DIRECTIONS
I.A. No.36466/2025-APPROPRIATE ORDERS/DIRECTIONS

Date : 06-10-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SHEEL NAGU

For Petitioner(s) : Mr. Vikas Singh, Sr. Adv.
Mr. Ashok Panigarhi, Sr. Adv.
Mr. R. Chandrachud, AOR
Ms. Deepika Kalia, Adv.
Mr. Aryan Singh, Adv.
Ms. Geetanjali Das Krishnan, Adv.
Mr. Piyush Negi, Adv.
Mr. Dharmendar Singh, Adv.
Mr. Dhuli Venkata Krishna, Adv.

By Courts Motion, AOR

Mr. Prashant Bhushan- 515, AOR
Mr. Pranav Sachdeva, Adv.
Mr. Sanyam Jain, Adv.

For Respondent(s) : M/S. Khaitan & Co.- 1509, AOR
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Mr. Himinder Lal- 1145, AOR
Mr. Mukesh Kumar Maroria- 2324, AOR
M/S. Karanjawala & Co.- 1707, AOR

Mr. Mukul Kumar- 1722, AOR
Mr. Brij Kant Mishra, Adv.
Mr. Anupam Kumar, Adv.
Mr. Dinesh Kumar Mudgal, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. Kishor Kumar Pandey, Adv.

Mr. Balaji Srinivasan- 1546, AOR

Mr. Naveen Kumar, AOR
Mr. Sudhanshu Pathak, Adv.
Mr. Rishabh Chaudhary, Adv.
Ms. Pragya Prachi Pandey, Adv.
Mr. Prateek S Tiwari, Adv.

Mr. Raj Kumar Mehta- 562, AOR
Mr. B. Krishna Prasad- 835, AOR
Mr. Shibashish Misra- 1398, AOR
Mr. Sunil Kumar Jain- 707, AOR
Mr. Rameshwar Prasad Goyal- 1350, AOR
Mr. E. C. Agrawala- 177, AOR
Ms. Movita- 2189, AOR
Mrs. Kirti Renu Mishra- 900, AOR
M/S. Aura & Co.- 2040, AOR

Mr. Ashok Kumar Panda, Sr. Adv.
Mr. Manoranjan Paikaray, Adv.
Mr. Shashwat Panda, Adv.
Mr. Tejaswi Kumar Pradhan, AOR

Mr. Lakshmi Raman Singh- 314, AOR
Mr. Gaurav Kejriwal- 1561, AOR

Mr. Abhishek Sharma- 2061, AOR
Mr. Shantanu Pandit, Adv.
Mr. Deepak Sharma, Adv.
Mr. R S Sharma, Adv.
Mr. Vivek Bansal, Adv.
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Ms. Saudamini Sharma, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Tarkeshwar Nath, Adv.
Mr. Rajat Nair, Adv.
Ms. Suhasinsi Sen, Adv.

Mr. Arvind Kumar Sharma , Aor, Adv.

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Mr. Gautam Narayan, Amicus Curiae
Ms. Asmita Singh, AOR

Mr. Dhananjaya Mishra- 2676, AOR

Mr. Shovan Mishra- 2456, AOR
Ms. Bipasa Tripathy, Adv.
Mr. Shlok Luthra, Adv.

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Ms. Shailja Singh, Adv.

Mr. Preshit Vilas Surshe- 2662, AOR

Mr. Sameer Kumar- 2519, AOR
Mr. Vaibhav Pachauri, Adv.
Ms. Anushka Samadhiya, Adv.
Mr. Bibek Das, Adv.

Mr. Naveen Kumar, AOR
Mr. Sudhanshu Pathak, Adv.
Mr. Rishabh Chaudhary, Adv.
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Ms. Supriya Barik, Adv.
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Mr. Govind Yadav, Adv.
Mr. Anoopkumar N, Adv.**

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Mr. N. Visakamurthy (aor), Adv.
Mr. Vikramjit Banerjee, Adv.
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**Mr. Nagendra Kasana, AOR
Ms. Neeta Kasana, Adv.
Ms. Anjana Kasana, Adv.**

**Mr. Prabhat Kumar Rai, AOR
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Mr. Rishabh Chaudhary, Adv.**

Mr. Sudhanshu Pathak, Adv.
Ms. Pragya Prachi Pandey, Adv.
Mr. Prabhat Sejwar, Adv.
Mr. Utkarsh Chandra, Adv.
Ms. Nidhi Singh, Adv.

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Mr. Sudhanshu Pathak, Adv.
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Mr. Utkarsh Chandra, Adv.
Ms. Nidhi Singh, Adv.

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

1. Mr. Gautam Narayan, learned *amicus curiae* has placed his notes dated 21st April, 2026 before us, containing three issues under the heading “Part III: Submissions”, which, according to him, would require consideration at our end.
2. Issue 1 is in relation to condoning the delay in making payment of compensation beyond the period stipulated by this Court in its judgment in ***Common Cause v. Union of India***¹ dated 02nd August, 2017 and Issue No. 2 concerns whether the challenge to the termination of the lease and/or the prayer for a direction to resume mining operations can be entertained in the present proceedings. In relation to these issues, two interlocutory applications have been cited i.e., I.A. No.77513 of 2024 and I.A. No. 102100 of 2025.
3. Insofar as I.A. No.77513 of 2024 (applicant-Kunal Kishore Das) is concerned, it is submitted that payment has been effected by him and the delay may be condoned.
4. Mr. K. M. Nataraj, learned Additional Solicitor General, representing the State of Orissa fairly submits that the delay can be condoned subject to liberty

1 (2017) 9 SCC 499

to the State to verify whether the payment has been effected with interest or not.

5. Should interest be not found to have been paid, we grant liberty to the State of Orissa to require the applicant to pay interest @ 12%. Accordingly, I.A. No.77513 of 2024 stands disposed of.

6. In regard to I.A. No.102100 of 2025 (applicant-Shakuntala Mishra), Mr. Narayan has set out in his notes dated 21st April, 2026 the submissions advanced by the applicant in support of the application reading as under:

“..... 3.3.10 The husband of the Applicant was granted a mining lease for iron and manganese ore in an area of 33.95 Ha in Kaumula-Kouia village of Sundergarh District vide lease deed dated 20.09.1982 for a period of 20 years. (Pr.1 @ 7) On 13.09.2001, the lessee filed an application for renewal of mining lease for 30 years over a reduced area of 13.27 Ha. (Pr.2 @ 7) The Applicant received the first demand notice for excess mining from the State on 16.11.2012. (Pr.4 @ 8) Thereafter, compensation was demanded in terms of the judgment of this Hon’ble Court dated 02.08.2017. (Pr.5-6 @ 8) During the pendency of the recovery proceedings, the husband of the Applicant passed away on 18.01.2022. (Pr.8 @ 9) It is the Applicant’s case that she has not been able to pay the compensation calculated in terms of the judgment as she could not be substituted and therefore does not have the ICMS Code. (Pr.14-16) However, on 30.01.2024, the said mining lease was terminated which termination was assailed by the Applicant in WP (C) No.6585/2024. The said writ petition was disposed of on 21.03.2024 granting liberty to the Applicant to approach the Revisional Authority. Thereafter, the Applicant filed a Revision Application before the Ministry of Mines, which was scheduled on 25.04.2025, after completion of pleadings. (Pr.18-21 @ 14-15)”

7. It is submitted on behalf of the applicant that due to technical glitches at the end of the State, the applicant could not apply for being substituted in place of her deceased husband. Considering such submission, we grant liberty to the State to open the portal to enable the applicant to step into the shoes of the original lessee, who is reportedly dead. The State may verify the correctness of the applicant’s contention and, if found correct and permitted by the rules, (i) record the applicant’s name as lessee in place of the deceased original lessee, and (ii) exempt her from payment of interest. The modalities prescribed in the

portal shall be followed by the applicant for substitution and for making the requisite payment, including interest, if applicable.

8. We note that, at the instance of the applicant, a revision application regarding revival of the mining lease is pending before the Revisional Authority (Ministry of Mines). The Revisional Authority shall be at liberty to consider the said revision application in accordance with law and take it to its logical conclusion. Accordingly, I.A. No. 102100 of 2025 stands disposed of.

9. List the interlocutory application i.e., I.A. No.167870/2024 (applicant-M/S Bhanja Minerals Pvt. Ltd.) on the next date of hearing.

10. Mr. Narayan has also placed on record a list of Interlocutory Applications which, in his opinion, require hearing on the next date. The said applications are:

(i) I.A. No.130079 of 2018 in Miscellaneous Application
No.18/2025;

(ii) I.A. No.248545 of 2025 in Miscellaneous Application
No.18/2025;

11. Insofar as Issue 3 as to whether the permission should be granted by this Court to the applicants to sell the undisposed stock lying at the mining sites is concerned, we wish to hear the parties in depth on the next date of hearing.

12. We are informed that the following writ petitions are pending before the High Court of Orissa:

1. W.P.(C) No. 17979 of 2026 (OPDR Case No. 05 of 2018),
with interim order dated 12.06.2026.

2. W.P.(C) No. 18009 of 2026 (OPDR Case No. 06 of 2018),
with interim order dated 12.06.2026.

3. W.P.(C) No. 18075 of 2026 (OPDR Case No. 07 of 2018,
Mayurbhanj), with interim order dated 12.06.2026.

4. W.P.(C) No. 34557 of 2025 (OPDR Case No. 35 of 2018),

with stay dated 03.12.2025; I.A. No. 6787 of 2026 for vacation of stay is also pending.

5. W.P.(C) No. 33511 of 2025 (OPDR Case No. 36 of 2018), with stay dated 29.11.2025; I.A. No. 6814 of 2026 for vacation of stay is also pending.

6. W.P.(C) No. 3052 of 2026 (OPDR Case No. 37 of 2018), with interim order dated 30.01.2026; I.A. No. 6812 of 2026 for vacation of stay is also pending.

7. W.P.(C) No. 35603 of 2025 (OPDR Case No. 46 of 2018), with stay dated 12.12.2025; vacation application filed on 08.04.2026 of stay is also pending.

13. We are quite alive to the factual situation that there is dearth of Judges in the High Court of Orissa; however, at the same time, having regard to the interest of the State that is affected by reason of non-recovery of dues, justice would be sufficiently served if the Chief Justice of the High Court of Orissa once again considers the desirability of constituting a dedicated Bench where all the above-mentioned writ petitions and similar other writ petitions can be placed for consideration and early disposal.

14. We, accordingly, request the Chief Justice to pass appropriate orders on the administrative side as deemed fit and proper.

15. Re-list the miscellaneous applications on 08th December, 2026 (NMD).

16. A copy of this order may be forwarded to the Registrar General of the High Court of Orissa, forthwith.

(MANIK KUMAR)
SENIOR PERSONAL ASSISTANT

(POOJA KOHLI)
COURT MASTER (NSH)