

Begin forwarded message:

From: "Kanishka Singh" <kanishkasingh@gmail.com>
Subject: Request

Date: 22 July 2011 at 1:11:32 PM IST

To: "Jayanthi Natarajan" <jayanthithegreat@gmail.com>

Reply-To: kanishkasingh@gmail.com

Dear Madam, we were trying to reach you over the phone but not able to get through. Could we speak for a brief moment? Many thanks. Regards, Kanishka

From: jayanthithegreat@gmail.com
Subject: Re: Our telecon
Date: 27 July 2011 at 7:23:41 PM IST
To: kanishkasingh@gmail.com
Reply-To: jayanthithegreat@gmail.com

Sure. Have cabinet meeting in the morning followed by a Tiger event. Think its better if we meet at my home, don't you ? Rather than the ooffice. If you agree, I will come back home to meet you, and then return to the office. This would be around 1.45 pm. Is this ok with you ?

Jayanthi Natarajan

-----Original Message-----

From: Kanishka Singh
To: Jayanthi Natarajan
ReplyTo: kanishkasingh@gmail.com
Subject: Re: Our telecon
Sent: Jul 27, 2011 7:13 PM

Dear Madam, may I come and see you tomorrow? Anytime after 11am (we have a Jan Sabha at 9am)?
Many thanks indeed. Regards - Kanishka

-----Original Message-----

From: Jayanthi Natarajan
To: Kanishka Singh
Subject: Our telecon
Sent: Jul 27, 2011 16:55

Dear Kanishk,

This is with regard to our telephone conversation last week. When you have some time, I would like to discuss the matter with you in person. Do text or email me regarding your convenience.

regards

Jayanthi Natarajan

Sent from BlackBerry® on Airtel

From: rahul.house@gmail.com
Date: 14 September 2011 at 10:01:51 PM IST
To: "Jayanti Natarajan" <layanthithegreat@gmail.com>
Reply-To: rahul.house@gmail.com

Jayantiji,

Nirma is high priority especially for Gujarat - no dilution must be allowed. I have recently seen article (attached) that dilution is taking place. Please insure we do not allow this.

Best

12

SC slams MoEF for outsourcing green report to project promoter

TIMES NEWS NETWORK

New Delhi: The ministry of environment and forests found itself in a spot in the Supreme Court on Friday for asking Nirma Ltd to prepare a study on the flora and fauna in its proposed cement plant project area in Gujarat, a task which should have been done by the ministry itself.

A bench of Chief Justice S H Kapadia and Justices K S Radhakrishnan and Swatanter Kumar said the MoEF, prima facie, has violated the apex court's landmark judgment on Lafarge cement plant in Meghalaya and asked the ministry to file an affidavit giving reasons why it asked the project proponent to prepare the report.

The ministry under Jitram Ramesh had issued notice to Nirma asking to show cause why environmental clearance granted to the Rs 600 crore cement plant, coke oven plant and captive power plant near village Padhiarka in Bhavnagar district should not be cancelled.

The show cause notice was pursuant to findings by an expert committee, which was set



UNDER CORPORATE THREAT

up after the March 18 order of the apex court asking it to examine whether lands on which the project is being set up were wetlands/water bodies and if at all the project be allowed, and the steps needed to protect the environment.

The ministry had on March 12 asked Nirma Ltd to stop work and show cause why the earlier environmental clearance should not be cancelled.

After the expert committee

report, Nirma held meetings with MoEF officials on July 12 and 25 and pointed out inadequacies in the committee report on flora and fauna.

In a letter dated August 25, the MoEF wrote to Nirma saying, "You are requested to undertake a three month study on flora and fauna in the area as the information/data is not fully available at the stage and to ascertain whether the project area is a wetland or a water body."

TIMES CLASSIFIEDS
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From: Jayanthi Natarajan <jayanthithegreat@gmail.com>

Subject: Re:

Date: 14 September 2011 at 11:04:35 PM IST

To: rahul.house@gmail.com

Dear Rahulji,

I want to add that I am very grateful to you for immediately seeking clarification from me, because it has given me a chance to present the correct picture. I would be very grateful if you would continue to alert me or seek clarifications, if anything at all comes to your notice, in future, which may seem out of line. This is very important to me, as I want to work tirelessly, to justify the confidence which CP and you have placed in me.

Thank you

Jayanthi

On Wed, Sep 14, 2011 at 10:01 PM, <rahul.house@gmail.com> wrote:

Jayantiji,

Nirma is high priority especially for Gujarat - no dilution must be allowed. I have recently seen article (attached) that dilution is taking place. Please insure we do not allow this.

Best

From: jayanthithegreat@gmail.com
Subject: Re: 9 Dec Supreme Court
Date: 4 December 2011 at 8:48:18 PM IST
To: "Kanishka Singh" <kanishkasingh@gmail.com>
Reply-To: jayanthithegreat@gmail.com

Kanishk,

I had already sent an email to Rahulji, informing him that I have ALREADY passed the final order rejecting Environmental Clearance for Nirma. This was done last Thursday. I will forward that message to you just now.

That matter is disposed of against Nirma. We will also file an affidavit to this effect in the SC.

Perhaps Rahulji did not get my email. Request you to kindly inform him.
I am now in durban for climate change and will be here till the 12th. But my mobile and email will work.

Jayanthi Natarajan
Sent from BlackBerry® on Airtel

From: Kanishka Singh <kanishkasingh@gmail.com>
Date: Sun, 4 Dec 2011 13:35:31 +0530
To: Jayanthi Natarajan <jayanthithegreat@gmail.com>
Subject: 9 Dec Supreme Court

Dear Madam, this is just a brief reminder that the Nirma Mahuva matter is coming up in the SC on Dec 9. Grateful if MOEF can move towards closure report. Many thanks. Regards.

From: rahul.house@gmail.com
Subject: Re: Our conversation last week
Date: 4 September 2011 at 7:55:46 PM IST
To: jayanthithegreat@gmail.com
Reply-To: rahul.house@gmail.com

Please keep me informed and -i'll keep CP updated

R

-----Original Message-----

From: jayanthithegreat@gmail.com
Date: Sat, 3 Sep 2011 19:00:06
To: <rahul.house@gmail.com>
Reply-To: jayanthithegreat@gmail.com
Subject: Re: Our conversation last week

Dear Rahulji,

Thank you so much for having taken the trouble. Will do accordingly.

Just wanted to reiterate that the matter has been taken to court by those people, and they have taken a very aggressive stand. However I will do the needful to ensure that my view is strongly represented.

Thanks again

Best wishes
Jayanthi
Sent from BlackBerry® on Airtel

-----Original Message-----

From: rahul.house@gmail.com
Date: Sat, 3 Sep 2011 08:41:44
To: Jayanthithegreat <jayanthithegreat@gmail.com>
Reply-To: rahul.house@gmail.com
Subject: Re: Our conversation last week

Jayanthi,

Spoke to CP- she said that u should follow guidelines she has mentioned to you.

Best

Rahul

-----Original Message-----

From: Jayanthithegreat
To: Rahul Gandhi
Subject: Our conversation last week
Sent: Sep 2, 2011 17:49

Dear Rahulji,

This is with regard to our conversation last week, and my request for guidance on a particular issue. I had requested you to kindly check with the Congress President, and let me know.

I hesitate once again to trouble both of you, but that matter has reached a kind of peak in the courts, and the time has come when I will not be able to delay much longer, but will have to take a decision.

Without going into too much detail in this email, I only want to request that you may kindly speak with me, on the phone, if possible, but better still, give me some time to see you on Monday the 5th September, so that I may explain more clearly. Perhaps we could get some clarity from Madam by that time.

I mention 5th Sept for a personal meeting, because I am currently out of Delhi on work, and will leave Delhi on the 6th evening to attend a Climate Change Conference in Pretoria.

I hope that Congress President is better now, and well on the road to recovery

Best Wishes

Jayanthi Natarajan

From: rahul.house@gmail.com

Subject: Re: Urgent

Date: 16 September 2011 at 9:47:25 AM IST

To: "Jayanti Natarajan" <jayanthithegreat@gmail.com>

Reply-To: rahul.house@gmail.com

That was "Note" to madam.
Rahul

-----Original Message-----

From: Jayanti Natarajan

To: Rahul Gandhi

Subject: Urgent

Sent: Sep 16, 2011 09:10

Dear Rahulji,

I need urgent guidance regarding Lavasa. Last night PM telephoned me again, to say the same things which I mentioned to you in our last conversation. The Bombay High Court has also posted the Lavasa case for hearing on the 23rd Sept, particularly Lavasa's plea that EC (Environment clearance) should be granted. I have asked our lawyer Darius Khambatta to come meet me to take instructions. In brief, the status is as follows.

We have been directed by the Court to pass an order (rejecting or issuing) EC by Sept 23rd. We that is Ministry of Environment has taken the stand that EC cannot be issued unless all conditions stipulated by Jairam are fulfilled. Lavasa has actually fulfilled all the conditions except Condition No 1 which is that the Maharashtra Government should prosecute Lavasa for violations committed by them. For obvious reasons, Maharashtra CM has not filed prosecution proceedings in court, and has instead taken refuge under some ambiguity, and has filed an affidavit where he seeks the Court's intervention to explain one para of its order, and says action can only be taken after that.

We now have 3 options.

A) I can pass an order on file, saying that Environment clearance cannot be given unless Lavasa agrees or the Maharashtra Govt proceeds to fulfil condition 1 - (which is actually prosecution for violation).

B) I can ask the Court to interpret Para 12 of its earlier order, as the Maharashtra Govt has done, so that the matter is bounced back to the Court. However our lawyer does not agree with this option, and I will have to convince him to do this.

C) I can reject the Environment Clearance citing non compliance with Condition 1.

Other factors include PILs filed by several people who challenge the EC being given saying violation cannot be regularised retrospectively. There is also the political fall out since I am being constantly badgered by Mr Pawar, and on another level PM has spoken to me 3 times on this (the last time being last night).

I need immediate guidance, and request you may kindly brief CP, and guide me on how to proceed further. Developments have suddenly peaked, and hence the urgency. I have asked Darius Khambatta our lawyer to meet me tomorrow, and would therefore be very grateful if you could revert to me as soon as possible.

Best wishes

Jayanthi

From: darius khambata <djkhambata@rediffmail.com>
Sender: djkhambata@rediffmail.com
Date: Mon, 24 Oct 2011 05:55:20 +0000
To: bbhushan98<bbhushan98@yahoo.com>
Cc: advnaveena11<advnaveena@hotmail.com>
Subject: Lavasa Corporation matter in the Bombay High Court

Dated 24th October, 2011

Dear Minister,

Re : Bombay High Court
1) Writ Petition No.7276 of 2011 – Lavasa Corporation Ltd. & others v. Union of India and others.
2) Writ Petition No.811 of 2011 – Lavasa Corporation Ltd. v. Union of India and others.
3) Writ Petition No.9448 of 2010 – Lavasa Corporation Ltd. v. Union of India.

I enclose a copy of the order dated 20th October, 2011 of the Division Bench of the Bombay High Court in the above matters.

Although the order of the Division Bench is restrained I may point out that the Division Bench was extremely upset at the fact that although the MoEF had twice applied for time to pass the final order, according to the Division Bench no final order had been passed by the MoEF. Despite my submissions to the contrary, the Division Bench was of the firm view that the order of 13th October 2011 was not a final order and that this was apparent from what was stated in para 10 of the order itself. At one stage the Division Bench seriously considered the plea of the Petitioners to issue a suo motu notice for contempt against the MoEF and its officers.

After initially stating that it would not take any action the Government of Maharashtra finally stated that it would take action in terms of the MoEF's letter of 10th June 2011, within two weeks. That gave me the opportunity of assuring the Court that the MoEF would reconsider its order of 13th October 2011 and would pass a final order either granting or rejecting environmental clearance. The latter was insisted upon by the Court and in my opinion that was unobjectionable. The order, if it grants the clearance can of course be subject to the conditions recommended by the EAC.

-2-

The order will have to be passed within a period of three weeks. That period will permit the MoEF to determine whether the State Government has abided by its statement to the Court or not.

I want to emphasise that the order itself does not disclose the ire expressed by the Court at the fact that the MoEF did not appear to want to pass an order one way or the other. The MoEF must now pass an order either granting or rejecting environmental clearance. Not to do so would be clear contempt of the order dated 20th October, 2011 of the Bombay High Court.

I should also make it clear that if the MoEF does not pass such an order within three weeks, my position in the matter will become untenable. The Affidavit in reply already settled by me should also be filed before the next date. It should be suitably updated to refer to the 13th October 2011 order and to the further order.

With warm regards,

Yours sincerely,

Encl : Copy of the order dated 20.10.2011

(D.J.Khambata)

Smt. Jayanthi Natarajan,
Hon'ble Minister of State (IC),
Ministry of Environment and Forests,
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi-110 003.

Copy to : 1) Shri J.M.Mauskar, Special Secretary, Ministry of Environment and Forests,
Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003.

2) Dr. Nalini Bhat, Adviser, Ministry of Environment and Forests, Paryavaran Bhawan,
CGO Complex, Lodhi Road, New Delhi-110 003.

3) Dr. Bharat Bhushan, Director, Ministry of Environment and Forests, Paryavaran
Bhawan, CGO Complex, Lodhi Road, New Delhi-110 003.

4) Ms. Navina Kumai, Advocate & Counsel Group-II, Bombay High Court, Mumbai.

jdk

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 7276 OF 2011**

Lavasa Corporation Ltd. and Ors. ..Petitioners

Vs.

The Union of India,
Ministry of Environment and Forests
Through G.P. Mumbai and Ors. ..Respondents

**WITH
WRIT PETITION NO. 811 OF 2011**

Lavasa Corporation Ltd. and Anr. ..Petitioners

Vs.

The Union of India and Ors. ..Respondents

**WITH
CIVIL APPLICATION NO. 581 OF 2011
IN
WRIT PETITION NO. 811 OF 2011**

Bhagatraj G. Ahuja ..Applicant

Vs.

Lavasa Corporation Ltd. and Ors. ..Respondents

**WITH
WRIT PETITION NO. 9448 OF 2010**

Lavasa Corporation Ltd. and Anr. ..Petitioners

Vs.

Union of India and Ors. ..Respondents

**WITH
CIVIL APPLICATION NO. 3121 OF 2010
IN
WRIT PETITION NO. 9448 OF 2010**

Bhagatraj G. Ahuja ..Applicant

Vs.

Lavasa Corporation Ltd. And Ors. ..Respondents

**WITH
CIVIL APPLICATION NO. 3132 OF 2010
IN
WRIT PETITION NO. 9448 OF 2010**

Mose Khore Nagreek Vikas Sangh ..Applicant

Vs.

Lavasa Corporation Ltd. ..Respondents

**WITH
CIVIL APPLICATION NO. 3133 OF 2010
IN
WRIT PETITION NO. 9448 OF 2010**

Shankar Mahadeo Dhindale,
Sarpanch and ors. ..Applicants

Vs.

Lavasa Corporation Ltd. ..Respondents

**WITH
PIL NO. 2 OF 2009**

Shamsunder Haribhau Potare ..Petitioner

Vs.

The State of Maharashtra and Ors. ..Respondents

**WITH
CIVIL APPLICATION NO. 9 OF 2009
IN
PIL NO. 2 OF 2009
WITH
PIL NO. 122 OF 2008**

Bhagatraj G. Ahuja ..Applicant/Petitioner

Vs.

The State of Maharashtra and Ors. ..Respondents

**WITH
CIVIL APPLICATION NO. 56 OF 2010
IN
PIL NO. 122 OF 2008**

Bhagatraj G. Ahuja ..Applicant

vs.

The State of Maharashtra and Ors. ..Respondents

**WITH
PIL NO. 148 OF 2006**

Shamsunder Haribhau Potare ..Petitioner

Vs.

The State of Maharashtra and Ors. ..Respondents

**WITH
CIVIL APPLICATION NO. 101 OF 2007
IN
PIL NO. 148 OF 2006**

Shamsunder Haribhau Potare ..Applicant

Vs.

The State of Maharashtra and Ors. ..Respondents

**WITH
CIVIL APPLICATION NO. 7 OF 2008
IN
PIL NO. 148 OF 2006**

Lavasa Corporation Ltd. ..Applicant

Vs.

Shyamsunder Haribhau Potare
and Ors. ..Respondents

**WITH
CIVIL APPLICATION NO. 23 OF 2008
IN
PIL NO. 148 OF 2006**

Shamsunder Haribhau Potare ..Applicant

Vs.

The State of Maharashtra and Ors. ..Respondents

**WITH
CIVIL APPLICATION NO. 43 OF 2008
IN
PIL NO. 148 OF 2006**

Bhagatraj G. Ahuja ..Applicant

Vs.

The State of Maharashtra & Ors. ..Respondents

Mr. Shekhar Naphade Senior Advocate with Mr. Gaurav Joshi, Aniruddha Joshi, Suresh Pakale, Satyen Vora, Ruchit Parikh i/b M/s. Markand Gandhi and Co. for petitioners in W.P.No. 7276 of 2011, W.P.No. 811 of 2011 and W.P.No. 9448 of 2010

Mr. D.J.Khambatta, Additional Solicitor General with Mr. Nitin Jamdar, Aditya N.Mehta, A.M.Sethana and Ms. Naveena Kumai for Union of India (Respondent Nos.1 to 4 in W.P.No. 7276 of 2011, 811 of 2011 and Respondent Nos. 1 to 3 in

9448 of 2010.

Mr. S.K.Shinde Special Counsel for State.

None for the applicants in C.A.No. 581 of 2011 in W.P.No. 811 of 2011 and C.A.No. 3121 of 2010 in W.P.No. 9448 of 2010

Mr. J.P.Cama Senior Counsel i/b Mr. P.R.Arjunwadkar for applicant in C.A.No.3132 of 2010 and C.A.No. 3133 of 2010 in W.P.No. 9448 of 2010.

None for petitioners in PIL No. 2 of 2009, PIL No. 122 of 2008 and PIL No. 148 of 2006

Mr. Shekhar Naphade Senior Counsel with Ms. Pratibha Mehta, Christine Rewnie with Nirav Shah i/b Little and Co. for Respondent No.3 in PIL No. 2 of 2009 and applicant in CA No. 7 of 2008 in PIL No. 148 of 2006 and Respondent No.9 in PIL No.122 of 2008 and PIL No.148 of 2006.

Mr. Vijay Patil for respondent no.2 in PIL No. 122 of 2008 and PIL No. 148 of 2006

Mr. A.V.Anturkar i/b Sugandh Deshmukh for respondent no.6 in PIL No. 122 of 2008 and 148 of 2006.

None for applicants in C.A.Nos. 9 of 2009 in PIL No.2 of 2009, C.A.No. 56 of 2010 in PIL No. 122 of 2008, C.A.No. 101 of 2007, C.A.No.23 of 2008 and C.A.No.43 of 2008 in PIL No. 148 of 2006.

**WITH
ORIGINAL SIDE PIL(L) NO. 90 OF 2010
WITH
CHSW NO. 114 OF 2011
IN
PIL(L) NO. 90 OF 2010**

Ms. Suniti S.R. and Ors.

..Petitioners

Vs.

Union of India and Ors.

..Respondents

Mr. Janak Dwarkadas i/b M/s. Markand Gandhi and Co. for the petitioners in PIL (L) No. 90 of 2010

Mr. D.J.Khambatta, Addl. Solicitor General with Mr. Nitin Jamdar for respondent-Union of India in PIL (L) No.90 of 2010

**CORAM : D. D. SINHA AND
SMT.V.K.TAHILRAMANI, JJ.**

DATED : OCTOBER 20, 2011.

P.C. :

1 Heard the respective learned senior Counsel for the respective parties including the learned Additional Solicitor General for the respondent-Union of India and the learned Special Counsel for the State of Maharashtra.

2 The learned counsel for the petitioners has submitted that inspite of time granted to the Union of India to decide and pass final order on the application dated 5.2.2011 submitted by the petitioners for environmental clearance on the basis of recommendations of Expert Appraisal Committee as per the Minutes of the meeting dated 31.5.2011, the Union of India initially failed to pass an final order in this regard. However, this Court vied order dated 23.9.2011 considering the gravity of the issue as well as the public interest involved granted three weeks time as prayed for by the learned

Additional Solicitor General for passing final order. The learned Counsel for the petitioners has submitted that the Union of India though passed an order dated 13.10.2011 pursuant to the liberty granted to them for passing final order dated 23.9.2011, however, paragraph 10 of the order clearly shows that the final decision on an environmental clearance was not taken by the Ministry of Environment and Forest, Union of India. The learned counsel has expressed great concern about the way in which the issue is handled by the Ministry of Environment and Forest, as well as the State Government and avoided to pass the final order on the application of the petitioners dated 7.2.2011. It is submitted that on 15.6.2011, the learned Additional Solicitor General made a statement before this Court that Ministry of Environment and Forest will pass an order within a reasonable time, therefore, this Court has granted time to the Ministry of Environment and Forest to pass an final order and writ petitions were kept for hearing on 12.7.2011. The learned Counsel for the petitioners has submitted that the Ministry of Environment and Forest, failed to pass an order and therefore, this Court once again vide order dated 23.9.2011, in view of the request made by the learned Additional Solicitor General granted three weeks time to the

Ministry of Environment and Forest, Union of India, to pass an final order. The learned Counsel for the petitioners therefore, submitted that the Additional Solicitor General time and again asked for time to pass an final order on the application of the petitioners dated 7.2.2011 and though the request was granted by this Court, however, the order which is passed by the Ministry of Environment and Forest, dated 13.10.2011 which is placed on record today, is not a final order in view of the observation made in paragraph 10 of the said order itself. The learned Counsel for the petitioners, therefore, submitted that inaction on the part of the Ministry of Environment and Forest, in not passing final order would virtually amount to misleading the Court. The learned Counsel therefore, contended that it is in these peculiar facts and circumstances, the writ petitions as well as connected P.I.Ls. may be heard on the merits of the issue involved in these petitions and P.I.Ls.

3 The learned Additional Solicitor General does not dispute that the time was granted by this Court to pass an final order as prayed for by him vide order dated 15.6.2011. Similarly, the statement was also made before this Court on 23.9.2011 that the final order shall be passed by the Ministry

of Environment and Forest, within a period of three weeks from 23.9.2011. The learned Additional Solicitor General has submitted that Ministry of Environment and Forest, has infact passed an final order dated 13.10.2011 whereby the Ministry has expressed its inability to issue of environmental clearance to the 1st phase of Hill City project of the petitioners. The learned Additional Solicitor General, therefore, contended that the allegations made by the learned counsel for the petitioners against the respondents are incorrect since the Ministry of Environment and Forest has passed an final order.

4 Another contention canvassed by the learned senior Counsel for the petitioners is that in paragraph 2 of the order dated 13.10.2011 the Ministry of Environment and Forest, has mentioned certain conditions to be fulfilled by the petitioners before considering the eligibility of the petitioners for grant of environmental clearance. Condition no.(i) reads thus:

“ (i) Credible action by the State Government of Maharashtra against the violation under the Environment (Protection) Act, 1986.”

The Counsel for the petitioners has submitted that it is impossible for the petitioners to fulfill this condition since the petitioners are in no way connected with the credible action to be taken by the State Government. It is submitted that till this date, the State Government has not taken any action against the petitioners for any violation under the Environmental Protection Act nor the petitioners are in a position to fulfill this condition. The petitioners are also not connected with this issue nor have the authority to take action which is required to be taken by the State Government if they so desire and therefore, it is contended that this pre-condition is *non est*.

5 The learned Special Counsel for the State of Maharashtra has submitted that they have received a letter/ communication dated 10.6.2011 from the Ministry of Environment and Forest, and in paragraph 2 of the said communication, the Ministry has directed to initiate necessary action under the Environmental (Protection) Act, 1986 against the petitioners for violation of the provisions of the Act and also asked the State Government to inform about it to the Ministry of Environment and Forest. The learned

Special Counsel for the State has not disputed that till this date, no action has been taken by the State Government against the petitioners on the basis of the communication dated 10.6.2011, in view of the pendency of the writ petitions and P.I.Ls., however, the learned Special Counsel for the State on the basis of the instructions received from the Secretary, Environment, State of Maharashtra, today made a statement before this Court that the action as directed vide communication dated 10.6.2011 shall be taken against the petitioners within a period of three weeks for violation, in accordance with law.

6 We have given our anxious thoughts to the above referred facts placed before us and contentions canvassed by the respective learned Counsel and perused the orders dated 15.6.2011 and 23.9.2011 passed by this Court. The order dated 15.6.2011 passed by the Division Bench of this Court reads thus:

“Mr. Khambatta, learned additional Solicitor General states that the Ministry of Environment and Forest, Union of India, will be passing an order within a reasonable time. To be heard on

12.7.2011”.

7 Similarly, the relevant observations made by this Court in paragraph 5 of the order dated 23.9.2011 reads thus:

“Considering the gravity of the issue as well as the public interest involved, we grant three weeks' time as prayed for by the learned Additional Solicitor General for passing the final order. However, it is made clear that this three week's time is granted by way of a last chance for passing final order and in the event of failure to pass a final order, it will be open for the petitioners to make a request for final hearing of the writ petitions. “

8 The learned Additional Solicitor General today placed on record the order dated 13.10.2011 passed by the Ministry of Environment and Forest, on the application of the petitioners dated 7.2.2011. It is contended by the learned Additional Solicitor General that order dated 13.10.2011 is an final order passed by the Ministry of Environment, whereby

the Ministry has expressed its inability to issue environmental clearance to the first phase of Hill City project of the petitioners and it is therefore, contended that this is not a case where the Ministry of Environment and Forest, avoided to pass an final order. The contention of the learned Additional Solicitor General that opinion expressed by Ministry of Environment and Forest, that it is unable to issue environmental clearance certificate amounts to deciding the application of the petitioners dated 7.2.2011 finally, we have perused paragraph 10 of the order, which reads thus:

“As the pre-condition on the credible action on violation of EIA Notification, 2006 has not been complied with, the Ministry is unable to issue the Environmental Clearance to the first phase of Hill City Project (2000 ha) of M/s. LCL. The final decision on the Environmental Clearance cannot be taken till all the pre-conditions are met including credible action by the State Government of Maharashtra and subject to the the final orders of the Hon'ble High Court of Bombay as the matter is sub-judice.”

9 A plain reading of the observations made in paragraph 10 of the order dated 13.10.2011 clearly demonstrates that the final decision on environmental clearance was not taken by the Ministry of Environment and Forest, on the application of the petitioners dated 7.2.2011 for want of fulfillment of pre-conditions by the petitioners including the credible action to be taken by the State Government of Maharashtra. It is really unfortunate that the statement was made before this Court on 23.9.2011 that the final order will be passed by the Ministry of Environment and Forest, within a period of three weeks from 23.9.2011, however, the order dated 13.10.2011 which is placed on record clearly shows that the final order has not been passed by the Ministry of Environment. Since the time was granted by this Court to pass an final order, it was necessary for the Ministry of Environment and Forest, to consider the application of the petitioners dated 7.2.2011 on its own merits and was requested to decide the same finally either by rejecting or allowing the same. Ministry of Environment and Forest, did not do so either. The observations made in paragraph 10 of the order as referred to herein above, clearly demonstrate that final order has not been passed.

10 Similarly, the State Government inspite of the receipt of the communication dated 10.6.2011 issued by the Ministry of Environment and Forest, did not initiate any action against the petitioners for violation of any of the provisions of the Environment Act, till this date, however, the learned Special Counsel for the State has made a statement today in the Court that the necessary action will be initiated against the petitioners for violation of the provisions of the Act within a period of two weeks.

11 At this stage, learned Additional Solicitor General has submitted that in view of the statement made by the learned Special Counsel for the State that the necessary action would be initiated in accordance with law against the petitioners, the application of the petitioners dated 7.2.2011 shall be reconsidered afresh in the light of these changed circumstances, and final order either rejecting or allowing the application of the petitioners dated 7.2.2011, shall be passed in accordance with law and procedure applicable in this regard within a period of three weeks from today.

12 Since the Additional Solicitor General assured this Court that the application of the petitioners dated 7.2.2011

shall be reconsidered afresh in the light of the changed circumstances, we are restraining ourselves at this stage to express our opinion about the manner in which the issue is handled by the respondents, however, we want to make it absolutely clear that the time of three weeks granted by this Court as prayed for, for passing final order on the application of the petitioners dated 7.2.2011 shall not be extended in any circumstances.

13 The contention canvassed by the learned Counsel for the petitioners that delay caused by the respondents in deciding the application of the petitioners resulted in great prejudice to the petitioners including the substantial financial loss, cannot be said to be unfounded. We, therefore, hope and trust that the statement made before us by the Additional Solicitor General that the final order shall be passed by the Ministry of Environment and Forest within a period of three weeks from today, should be honoured, however, the said order will not prejudice the rights and contentions of the petitioners.

14 Place the matters on 16.11.2011.

[SMT.V.K.TAHILRAMANI,J.]

[D.D.SINHA,J.]

From: iycnsui@gmail.com
Subject: Re:
Date: 1 May 2012 at 5:54:34 PM IST
To: jayanthithegreat@gmail.com
Reply-To: iycnsui@gmail.com

Thank you

-----Original Message-----

From: jayanthithegreat@gmail.com
To: Rahul Gandhi
ReplyTo: jayanthithegreat@gmail.com
Subject: Re:
Sent: May 1, 2012 17:54

Dear Rahulji,

I am sitting in my office, and will send for the file right now. If there are no issues, it will be done today. If not, by the end of the week. Will keep you posted, and see this through asap.

Best Wishes

Jayanthi Natarajan

-----Original Message-----

From: iycnsui@gmail.com
To: Jayanthi Natarajan
ReplyTo: iycnsui@gmail.com
Subject:
Sent: May 1, 2012 5:32 PM

Jayanthiji,

I want Amethi/RB highways cleared from your ministry. They have been pending for years now. By when will it be done.

Rahul

Sent from BlackBerry® on Airtel

From: Jayanthi Natarajan <jayanthithegreat@gmail.com>
Subject: Re:
Date: 1 May 2012 at 7:03:09 PM IST
To: iycnsui@gmail.com

Dear Rahulji,

I have had the matter checked up. The facts are as follows.

1) There is NO file pending in the Ministry of Environment (MoEF) in relation to any proposal for an Amethi-Rae Bareli highway. This is MoEF Delhi which has to give clearance for large projects.

2) We checked with our Regional office at Lucknow. There is no proposal for Amethi Rae bareli highway pending there either.

3) I had my officers check with the State Govt (UP) forest department. The DFO (District Forest officer) apparently claims that the UP Forest Dept DID indeed receive a proposal for an Amethi-Rae Bareli highway, but since the application/proposal was incomplete it was returned to what we call the User Agency (the applicant-in this case Union Ministry of Road Transport, National Highway Authority (NHAI) and the State Highway Authority) to be corrected and presented again. The completed application has still not been received.

I assume - this is only my assumption - that the then State Govt under either Ms Mayawati or the earlier Govt simply decided not to pursue this project for political reasons.

As you are aware, it will not be possible for Ministry of Environment to take this further, as no papers are before us. Action will have to be taken by the State Govt, or by the Central Ministry of Road Transport to revive this application.

4) I can assure you, that the moment the application is presented, complete in all respects, we will move immediately to get the matter cleared. I do need further particulars regarding the extent of the highway etc, to determine whether our Regional office will grant the clearance, or if it will come to Delhi. This, I can figure out only when the application is re-presented. I also need to figure out how far, the Govt of UP is involved in this - and the political ramifications thereof - but this too I can do, only when the application is submitted at any of the offices of the Ministry of Environment.

5) However, there IS a proposal pending at MoEF for a Lucknow to Sultanpur road, which goes via Barabanki and Amethi. This is National Highway 56. Application for diversion for 127 hectares of forest land has been received from our Regional office at Lucknow at MoEF Delhi on the 1st April 2012 (from the UP Govt). There are statutory formalities to be completed, which usually take some time, but after your email, I have directed the Regional office to go for a site inspection immediately-if possible in the next 2 days. On receipt of the site inspection report, it will be placed before the Forest Advisory Committee (FAC) another mandatory step -at its next meeting on 15th May, and upon receipt of their recommendation, I will see that the file is cleared before the end of the month. Of course, barring any unforeseen problems. Was wondering if you had any questions regarding THIS road as well ? Or was your question confined only to the Amethi-Rae Bareli road?

Please do let me know, if there is anything more that needs to be done with regard to these two roads - or of course, anything else.

Best Wishes

From: rahul.house@gmail.com
Subject: Re: GM Crops moratorium
Date: 7 November 2012 at 2:43:02 PM IST
To: Jayanthi Natarajan <jayanthithegreat@gmail.com>

Ok

On 07-Nov-2012, at 14:27, Jayanthi Natarajan <jayanthithegreat@gmail.com> wrote:

Dear Rahulji,

This is a quick note to apprise you of an important development with regard to GM Crops. As you are aware the Ministry of Environment (MoEF) had imposed a moratorium on GM crops, which continues until today. However, field trials and research were allowed, subject to the States giving an NOC for the conduct of the field trials. MoEF has stuck consistently to this stand, and I have not deviated from our opposition to the introduction of GM crops without the establishment of rigorous protocols.

In the meanwhile, the Supreme Court is hearing a case in this regard. The Parliament Standing Committee on Agriculture has strongly condemned any attempt to introduce GM crops, and also recommended a moratorium on the same. The Supreme Court (SC) had also appointed a Technical Expert Committee (TEC) to go into this issue, and the TEC has also suggested a 10 year ban on GM Crops.

In this background MoEF has been directed by PMO to join other Ministries in differing from the TEC and the Parliament Standing Committee views - and take a stand to atleast allow field trials of GM Crops. I rejected this on file, saying that we cannot go along with the view of the Ministry of Agriculture, as there was a conflict of interest, and that MoEF, should go along with the views of TEC, and the Parliament Standing Committee in opposing GM Crops, including field trials. However, I have just received a call from the Prime Minister, where, although I tried to convince him, he has specifically overruled me, and has said that I could note on file that I have been overruled by him. This means that the view of the Agriculture Ministry will prevail, and MoEF objections to GM Crops will stand diluted.

I spoke to Attorney General, but he informed me that he had received similar instructions. The case comes up for hearing in the Supreme Court on Friday the 9th Nov 2012. I thought I should keep you informed regarding this important development. I have sent a similar note to Congress President by hand.

With good wishes

Jayanthi Natarajan