

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

IA No. 07/2025
IN
WP (PIL) No. 01/2024

MANI KUMAR SUBBA

PETITIONER (S)

VERSUS

STATE OF SIKKIM & ORS.

RESPONDENT (S)

For Petitioner : Mr. Anindya Basu, Mr. Yam Kumar Subba and Mr. Mukkum Hang Limboo, Advocates.

For Respondent nos. 1, 2 and 3 : Mr. Basava Prabhu S. Patil, Advocate General, Mr. Zangpo Sherpa, Additional Advocate General with Mr. Thinlay Dorjee Bhutia, Government Advocate.

For Respondent no.6 : Mr. Sujan Sunwar, Assistant Government Advocate.

For Respondent nos. 5 and 7 : Mr. Anubhav Sinha, Ms. Dhatri Bandaru and Mr. Rinzing Dorjee Tamang, Advocates.

For Respondent no.8 : Mr. Sudhir Prasad, Advocate.

For Respondent nos. 9, 10 and 11 : Ms. Sangita Pradhan, Deputy Solicitor General of India assisted by Ms. Sittal Balmiki and Ms. Natasha Pradhan, Advocates.

For Respondent nos. 12 and 13 : None.

Date: 24/04/2025

CORAM:

HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

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ORDER : (per the Hon'ble, the Chief Justice)

This interlocutory application, being I.A. No. 07/2025, has been taken out by the writ petitioner who had initially moved a Public Interest Litigation, being WP(PIL) No. 01/2024. In the instant application, the following prayers have been made:-

- "a. Pass an appropriate order thereby directing the Respondent No. 1, 2 and 3 to file an affidavit disclosing, year-wise, the Return on Equity and Royalty received by the Respondent No.1 from the Respondent No.5 with respect to Teesta-III Hydro Electric Project for the financial years 2017-2018 to 2023-2024.
- b. Pass an appropriate order thereby directing the Respondent Nos 1, 2 & 3 and the Respondent No.5 to file affidavits disclosing, Year-wise Net Profit earned by Respondent No. 5 from Teesta-III Hydro Electric Project for the financial years 2017-2018 to 2023-2024.

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- c. Pass an appropriate order thereby directing that the Respondent Nos. 1, 2 & 3 and the Respondent No.5 to disclose the above said disclosures be audited and certified by an Auditor appointed by the Comptroller and Auditor General (CAG) of India.
- d. Pass an appropriate order thereby directing the Respondent Nos. 1, 2, 3 and 5 to produce the Loss and Damage Assessment Report of the dam and associated infrastructure of the Respondent No.5 with respect to Teesta-III hydro Electric project caused due to the GLOFs on 3rd October 2023;
- e. Take judicial notice that the Respondent Nos. 1, 2 and 3 have not disclosed such Loss and Damage Assessment Report either in their affidavit or in the Post Disaster Needs Assessment, 2024, even as Respondent No. 1 has stated that Rs. 4000 Crores is required for revival of the project;
- f. Allow the Petitioner to place on record the document pertaining to the 21st meeting of the Expert Appraisal Committee on River Valley and Hydro Electric Projects, organized by the Ministry of Environment, Forest and Climate Change, Government of India, held on 31.12.2024."

As far back on 14th March, 2024, this Court had passed an order directing the parties to exchange their affidavits in the main matter, i.e. W.P. (PIL) No. 01/2024. Consequently, the State of Sikkim including its authorities and other respondents have filed their respective affidavits-in-opposition. An affidavit in reply/rejoinder has also been filed by the writ petitioner, Mani Kumar Subba, in the main matter. After the main matter became ready for hearing – on some pretext or the other – adjournment after adjournment was sought for on behalf of the writ petitioner on each date the main matter came up for hearing. Now, at this belated stage, the instant interlocutory application was filed on 22nd April, 2025, that too, after we passed our last order on 03rd April, 2025.

In our view, even a bare glance of the prayers as quoted hereinabove, will clearly reveal that the writ petitioner wants this Court to embark on a fishing and roving enquiry even after the State of Sikkim and other respondents have disclosed their stands in their affidavits, which are all on record. We simply cannot allow ourselves to convert the Public Interest Litigation filed by Mani Kumar Subba into an exercise seeking information under the Right to Information Act.

The application is thoroughly misconceived and tantamounts to an abuse of process of the Court and is liable to be summarily dismissed and stands accordingly dismissed.

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We shall now proceed to hear out the main writ petition, being W.P. (PIL) No.01 of 2024, where, as stated hereinbefore, affidavits have already been exchanged between the parties.

(Meenakshi Madan Rai)
Judge

(Biswanath Somadder)
Chief Justice

jk/ds/ami