

Ä'

C.A.No. 512 OF 1998
ITEM No.104

Court No. 1

SECTION IVA

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

Civil Appeal No. 512 of 1998

Samaja Parivarthana Samudaya & Anr.

...Appellant(s)

vs.

Karnataka State Pollution Control Board & Ors.

...Respondent(s)

(with office report)

Date: 17/12/2003 This/These matter(s) was/were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE S.B. SINHA

For Appellant (s)Mr. Mohan V Kataraki, Adv.
Mr. Ashok Kumar Sharma, Adv.

For Respondent (s)Mr. Dipankar P Gupta, Sr. Adv.
Mr. Bharat Sangal, Adv.
Ms. Sangeeta Panicker, Adv.
Mr. R R Kumar, Adv.

Mr. E C Agrawala, Adv.

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

Heard the learned counsel for the appellants for 15 minutes.

The appeal is dismissed. There shall be no order as to costs.

(D.P. WALIA) (JANKI BHATIA)
COURT MASTER COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 512 OF 1998

Samaja Parivarthana Samudaya & Anr. ... Appellant(s)

vs.

Karnataka State Pollution Control Board
& Ors....Respondent(s)

O R D E R

The appellants herein filed a public interest litigation before the High Court of Karnataka at Bangalore alleging that the factories of respondent No. 9 are discharging effluents in the river Tungabhadra which are polluting the water. The High Court after entertaining the petition appointed a Committee to find out whether the respondent's factories are taking steps to prevent pollution while discharging effluents in the river. The Committee found that the respondent's factories have taken steps to prevent pollution while

discharging effluents in the river. Accordingly, the public interest petition filed by the appellants herein was dismissed by the High Court. It is against the said order of the High Court, the appellants are in appeal before us.

Learned counsel appearing for the appellants urged that one of the factories, no doubt, has conformed with the norms laid down for discharging the effluents in the river but the other factory is not conforming with the said norms.

In fact, there was mixing of the two effluents which arose on account of the suggestion made by the Committee constituted by the High Court in its report. When respondent No. 9 sought for such permission and the permission was refused, an appeal was preferred and the appellate authority allowed the same and directed allowing of mixing of the two effluents. When that order was not implemented by respondent No. 1 herein, a writ petition was preferred to the High Court wherein there was a direction to respondent No. 1 to give effect to the orders of the appellant authority. In these

circumstances, the High Court in the impugned order held as under :

"..... If as a result of the decision of the appellate authority and on the basis of the material available in the shape of a report submitted by the Committee appointed by this Court and this Court having directed the Ist respondent to allow such mixing it is very difficult to contend or state that the mixing cannot be permitted at all. The attention of the petitioner should be not on what process was involved, but the result of such a process to the natural resources. If the quantities of the effluents let into the river are within the parameters of the consent letters and which is in conformity with the directions issued by the appellate authority, we find it difficult to accede to the contention advanced on behalf of the petitioners that such mixing should not be permitted at all. Merely by stating that the quantity of discharge exceeds a particular limit will not by itself determine the matter. What is stated in the consent letters is the permissible limits of sulphate and the permissible quantity of the effluents. The permissible quantity of the effluents is of the order of 9000 cu.mts. per day in regard to Grasilene Division and 33,000 cu. mts. per day in respect of Harihar Polyfibre s. If that quantity is mixed, it results in 42,000 cu. mts. per day. It cannot be stated that the same would result in exceeding the limits permitted by the authorities concerned.

Therefore, it must be stated that the stand taken by the petitioners in this regard is untenable."

In view of the above finding, we do not find any merit in the argument of the counsel for the appellants.

The appeal is, accordingly, dismissed. There shall be no order as to costs.

.....CJI(V.N. KHARE)

.....J

(S.B. SINHA)

New Delhi;

December 17, 2003.