

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NOS. 3633-3634 OF 1999

U.P.POLLUTION CONTROL BOARD

Petitioner(s)

VERSUS

ANIL K. KARNWAL & ORS

Respondent(s)

(With appln(s) for exemption from filing O.T., stay, c/delay in filing undertaking, permission to submit additional document(s), permission, c/delay in filing reply affidavit)

WITH

CONMT.PET.(C) NO. 147 of 2007

In

CIVIL APPEAL No. 3634 OF 1999

(With appln.(s) for an application for discharge and office report)

[I.A.NOS.21-66 in CA Nos. 3633-3634/1999 is for c/delay in undertaking filed by R. Nos. 25-28, 30-36, 43-46, 48-49 and 51-60]

Date: 03/03/2014 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE DIPAK MISRA

For Appellant(s)

CA 3633-3634/1999

Mr. Pradeep Misra, Adv.

CP 147/2007

Mr. Bhagwati Prasad, Sr. Adv.
Mr. Ashok Kumar Sharma, Adv.
Mr. Kumar Kartikay, Adv.
Mr. H.S.Dhillon, Adv.

For Respondent(s)

Mr. Rajeev Dutta, Sr. Adv.
Mr. M.Z. Chaudhary, Adv.
Mr. S.A. Zaidi, Adv.
Mr. Aftab Ali Khan, Adv.

Mr. T.N. Singh, Adv.
Mr. Siddharth Sengar, Adv.
Mr. Abhishek Chaudhary, Adv.

Mr. Ashok Kumar Sharma, Adv.
Mr. Vikalp Mudgal, Adv.
Mr. Sanjay Jha, Adv.

Ms. Shobha, Adv.
Ms. Jyoti Rana, Adv.

Mr. Suryanarayana Singh, A.A.G.
Ms. Pragati Neekhara, Adv.

Mrs. Nandini Gore, Adv.

Mr. Lakshmi Raman Singh, Adv.

Mr. M.C. Dhingra, Adv.

Mr. P.K. Manohar, Adv.

Mr. Anil Kumar Jha, Adv.

Mr. Chander Shekhar Ashri, Adv.

Mr. Shiv Prakash Pandey, Adv.

Mr. Himinder Lal, Adv.

Ms. Anu Mohla, Adv.

Mr. Rakesh Uttamchandra Upadhyay, Adv.
Mr Amar Deep Sharma, Adv.

Mr. Varinder Kumar Sharma, Adv.

Ms. Jayashree Wad, Adv. for
M/s J.S. Wad & Co.

Mr. Kamendra Mishra, Adv.

Mr. Adarsh Upadhyay, Adv.

Mr. Pradeep Misra, Adv.

Mrs. Manik Karanjawala, Adv.

Mr. Sudhir Kulshreshtha, Adv.

Ms. Shweta Garg, Adv.

Mr. Gunnam Venkateswara Rao, Adv.

Mr. Rakesh U.Upadhyay, Adv.

Mr. Manoj K. Mishra, Adv.

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

In pursuance of the order dated 27.1.2014, Uttar Pradesh Pollution Control Board (for short "the Board") has filed its response to the affidavit dated 26.9.2013 filed by Niranjana Singh Tyagi. In that order, we had also directed the Board to survey the affected areas to find out whether or not any of the polluting industries are in operation and submit the report along with the affidavit.

2. The status-report has also been annexed with the affidavit filed on behalf of the Board.

3. We have carefully considered the same. Two things transpire from the status report. One, out of the 27 industries mentioned in the first Table of Annexure-1, some have proceeded for modernization and installation and civil work in that regard is in progress. In some, only boundary wall exists and there is not much progress. As regards item No. 27, the applicant has applied for consent to establishment for rendering plant. During the inspection, the land was found to be vacant.

4. The other four industries mentioned in the second Table namely; Rayban Organics P. Ltd., Raybon Foods Pvt. Ltd., Standard

Bone Manure and Bharat Feed & Fertilizer have started their operation after getting consent from the Board.

5. As regards the four industries mentioned in second Table, the Board before granting consent ought to have brought to the notice of this Court the progress made by these four industries and sought permission from the Court. The Board has to explain as to why without bringing to the notice of this Court about the progress made by these industries, the consent was granted. The affidavit shall be filed by the Secretary, Board in this regard within four weeks from today.

6. As regards 27 industries in the first Table, we observe that as and when these industries complete modernization of the plant and meet all the statutory requirements as well as other conditions that may be put by the Board, liberty is granted to the Board to make application for appropriate directions. It is clarified that without direction of this Court, no consent shall be granted by the Board with regard to subject industries in any manner whatsoever.

List both matters after four weeks.

| (Pardeep Kumar)
| AR-cum-PS

| | (Renu Diwan)
| | Court Master

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