

ITEM NO.2

COURT NO.10

SECTION XV

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

Petition(s) for Special Leave to Appeal (Civil) No(s).16308/2007
(From the judgement and order dated 29/08/2007 in CWP No. 1966/2003
of The HIGH COURT OF RAJASTHAN AT JAIPUR)

ANKUR GUTKHA

Petitioner(s)

VERSUS

INDIAN ASTHAMA CARE SOCIETY & ORS.

Respondent(s)

(With prayer for interim relief and office report)

WITH

SLP(C) NO. 16314 of 2007

(With appln.(s) for exemption from filing c/c of
judgment and with prayer for interim relief and officethe impugned
report)

SLP(C) NO. 16317 of 2007

(With appln.(s) for exemption from filing c/c of
judgment and with prayer for interim relief and officethe impugned
report)

SLP(C) NO. 19467-19469 of 2007

(With prayer for interim relief and office report)

Date: 07/12/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Rahul Pratap, Adv.
 Mr. Jayant Mohan, Adv.

Mr. K.C. Dua, Adv.

For Respondent(s) Mr. Gopal Subramaniam, S.G.
 Mr. Anand Varma, Adv.
 Mr. R.K. Rath, Adv.

Ms. Archana Pathak Dave, Adv.
Mr. Irshad Ahmad, Adv.
Mr. Narottam Vyas, Adv.

Mr. Guru Krishna Kumar, Adv.
Mrs. Srikala, Adv.

Mr. Lalit Chauhan, Adv.
Ms. Rukhmini Bobde, Adv.
Ms. Soumi Gurathakurta, Adv.
For Parekh & CO., A.O.R.

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Mr. Rohit Bhat, Adv.
Mr. Vikas Mehta, A.O.R.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties and
perused the record including the affidavit of Dr.
Manoranjan Hota, Director, Ministry of Environments and
Forests, Government of India and documents annexed with
it.

Interim order dated 7.9.2007 and other similar orders passed by this Court are vacated and the following directions are given:

- 1) The learned Solicitor General should instruct the concerned Ministries to approach National Institute of Public Health to undertake a comprehensive analysis and study of the contents of gutkha, tobacco, pan masala and similar articles manufactured in the country and harmful effects of consumption of such articles. The learned Solicitor General says that a report based on such study will be made available within eight weeks.
- 2) The Plastics (Manufacture, Usage and Waste Management) Rules, 2009 be finalised, and enforced within a period of eight weeks from today.
- 3) The direction contained in the impugned order of the High Court for imposition of fine shall remain stayed.
- 4) Respondent Nos.3 to 15 and other manufacturers of gutkha, tobacco, pan masala are restrained from using plastic material in the sachets of gutkha, tobacco and pan masala. This direction shall come into force with effect from 1st March, 2011.

For further hearing, the case be listed on

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March 9, 2011.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master