

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

WRIT PETITION (CIVIL) NO.213 OF 2011

DEMOCRATIC YOUTH FEDERATION OF INDIA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)
(With appln(s) for directions, intervention, modification of
Court's order dated 13.5.2011, permission to file additional
documents and impleadment)
[FOR ORDERS]

Date: 13/12/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s) Mr. Krishan Venugopal, Sr. Adv.
Mr. Deepak Prakash, Adv.
Mr. Biju P. Raman, Adv.
Ms. Leena Nair, Adv.
Ms. Usha Nandhini, Adv.
Mr. Bineesh Karat, Adv.
Ms. Meena C.R., Adv.

For Respondent(s) Mr. A. Mariarputham, Adv. Genl.
For Sikkim: Ms. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.

For Andhra Pradesh: Ms. C.K. Sucharita, Adv.
Ms. Nirda Das, Adv.
Ms. Rumi Chanda, Adv.

Ms. Pinky Anand, Sr. Adv.
Mr. D.N. Goburdhan, Adv.
Mr. Shiv Kant Arora, Adv.
Mr. A. Rastogi, Adv.
Mr. Rajesh Ranjan, Adv.
Mr. Kartika Sharma, Adv.

For Kerala: Mr. Ramesh Babu M.R., Adv.
Mr. S. Jindal, Adv.

For Bihar: Mr. Gopal Singh, Adv.
Mr. Rudreshwar Singh, Adv.

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- 2 -

For Tripura: Mr. Gopal Singh, Adv.
Mr. Ritu Raj Biswas, Adv.

For Gujarat: Ms. Hemantika Wahi, Adv.
Ms. Suveni Banerjee, Adv.
Ms. Rojalin Pradhan, Adv.

For Union of India: Mr. Gourab Banerji, ASG.
Mr. J.S. Attri, Sr. Adv.
Mr. T.M. Singh, Adv.
Ms. Asha G. Nair, Adv.
Mr. D.S. Mahra, Adv.
Mr. A. Deb Kumar, Adv.

For Manipur: Mr. Khwairakpam Nobin Singh, Adv.
Mr. Sapam Biswajit Meitei, Adv.

For Maharashtra: Mr. Shankar Chillarge, Addl. Govt. Adv.
Ms. Asha G. Nair, Adv.

For Pesticides Manufacturers and Formulators Asso. of India: Mr. Jehangir Mistry, Sr. Adv.
Mr. Jay Savla, Adv.
Ms. Renuka Sahu, Adv.

For Haryana: Mr. Manjit Singh, AAG.
Mr. Tarjit Singh, Adv.
Mr. Kamal Mohan Gupta, Adv.

For Intervenor(s): Mr. S.S. Ray, Adv.
Ms. Rakhi Ray, Adv.

For Rajasthan: Ms. Archana Pathak Dave, Adv.
Mr. Sahil Garg, Adv.
Mr. Milind Kumar, Adv.

For Tamil Nadu: Mr. B. Balaji, Adv.
Mr. Plato, Adv.
Mr. Rakesh K. Sharma, Adv.
Ms. Prerna Mehta, Adv.

For Nagaland: Mr. Edward Belho, Adv.
Ms. K. Enatoli Sema, Adv.
Mr. Rokokieno Mor, Adv.
Mr. Balaji Srinivasan, Adv.

For J&K: Mr. Sunil Fernandes, Adv.
Mr. Suhaas Joshi, Adv.
Ms. Astha Sharma, Adv.

For Mizoram: Mr. K.N. Madhusoodhanan, Adv.
Mr. M.T. George, Adv.

For Chhattisgarh: Mr. Atul Jha, Adv.
Mr. D.K. Sinha, Adv.

For Jharkhand: Mr. S. Chandra Shekhar, Adv.
Mr. Manoj Kumar, Adv.

For Meghalaya: Mr. Ranjan Mukherjee, Adv.

For Goa: Ms. A. Subhashini, Adv.

For Assam: Mr. Navnit Kumar, Adv.
for M/s. Corporate Law Group, Advs.

For Dr. R. Raghavan, impleading party: Mr. R.S. Jena, Adv.

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- 3 -

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

I.A. No.11/2011:

"We permit the 34 units of manufacturers and formulators, whose names are mentioned in Annexure 'B' to the Report of the Joint Expert

Committee, to export the existing stock of 2698.056 KL of Endosulfan Formulation in w/w form" on the conditions mentioned in the Signed Order.

Place I.A. No.11/2011 on 20th January, 2012 for further orders.

[T.I. Rajput]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar

[Signed order is placed on the file]

4

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

IA NO. 11 OF 2011

IN

WRIT PETITION (CIVIL) NO. 213 OF 2011

Democratic Youth Federation of India
Petitioner

...

Versus

Union of India & Ors.

... Respondents

ORDER

The Joint Expert Committee vide its Report dated 24th August, 2011 indicated that a quantity of 2698.056 KL of Endosulfan Formulation (w/w) was lying in stock, unsold as an inventory. One of the prayers in IA No. 11 of 2011 moved by the Association is to permit the manufacturers and formulators to export the existing stock of 2698.056 KL of Endosulfan

5

Formulation (w/w).

In continuation of our Order dated 30th September, 2011 and for the reasons contained therein, we hereby permit the 34 units of manufacturers and formulators, whose names are mentioned in Annexure 'B' to the Report of the Joint Expert Committee, to export the existing stock of

2698.056 KL of Endosulfan Formulation in w/w form on the following conditions:

(a) Within the week from today, Hindustan Insecticides, Excel Crop Care and Coromandel Int'l shall hold a meeting and decide the existing quantity of Endosulfan Formulation which each of the three companies could dilute, repackage and export. Accordingly, Hindustan Insecticides, which is a public sector undertaking, shall communicate to the Association the exact quantity of the existing stock of the Formulation in w/w form which each of the above three companies would be able to dilute and repackage. To such Association, each company or

6

firm or unit falling in Sl. Nos. 4 to 34 will hand over their respective quantities of the Formulation in w/w form. The Association in turn will hand over the Endosulfan Formulation existing stock not on pro rata basis but on the preferential basis. The first preference will be for Hindustan Insecticides. Beyond the capacity of Hindustan Insecticides, the next batch to Excel Crop Care and the remaining to Coromandel Int'l. The exercise of dilution and repackaging should be completed within one week from the date on which the Formulation is handed over to the respective concerns.

(b) Once the Endosulfan Formulation is ready for export, the same shall be exported by companies/firms/units stated at Sl. Nos. 4 to 34 of the said Annexure 'B', through Hindustan Insecticides, at their own risk and responsibility and subject to all safety measures as may be applicable to such exports.

7

(c) Hindustan Insecticides would be entitled to recover all costs, charges and expenses from the companies/firms/units at Sl. Nos. 4 to 34 of the said Annexure 'B' which it incurs to carry out the above directions of this Court. The companies/firms/units shall pay the amount within three days of demand being raised upon them.

(d) All other conditions relating to inspection and export mentioned in our earlier Order dated 30th September, 2011 shall be followed.

It is clarified that the permission for dilution should in no way directly or indirectly be treated as permission to manufacture Endosulfan Formulation in any form whatsoever or increase its quantity afore-referred.

For further orders, list I.A. No. 11 on 20th January, 2012.

.....CJI.
(S.H. Kapadia)

.....J.
8

(A.K. Patnaik)

.....J.
(Swatanter Kumar)

New Delhi;
December 13, 2011