

ITEM NO.2

COURT NO.2

SECTION PIL

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

I.A.NOS.23, 40, 42,43,55,56,57 IN W.P.(CIVIL)NO.657 OF 1995

RESEARCH FOUNDN. FOR SCIENCE

Petitioner(s)

VERSUS

U O I & ANR.

Respondent(s)

(for directions and exemption from filing O.T.and impleadment and clarification and intervention and placing additional documents on record and further directions and permission to file addl.documents and condonation of delay and extension of time and interim relief and stay and office report)

WITH

SLP(C) NO.16175 of 1997

(With appln.(s) for ex-parte stay)

(for final disposal)

Civil Appeal NO.7660 of 1997

(With office report)

(for final disposal)

CONMT. PET.(C) NO.155 of 2005 in W.P.(C)No.657/1995

(With appln.(s) for directions and office report)

(for final disposal)

Civil Appeal NOS.8300-8301 of 2004

(With appln.(s) for impleading party)

(for final disposal)

Date: 28/03/2012

These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s)

Mr. Sanjay Parikh, AOR

Ms. Mamta Saxena, Adv.

Mr. A.N. Singh, Adv.

Mr. Pranav Raina, Adv.

In SLP 16175/1997

Ms. B. Vijayalakshmi Menon, AOR

I.A.23,40,etc.in WP(C)657/95

In CA 7660/1997

Mr. P. Parmeswaran, AOR

In CP 155/2005

BY POST

In CA 8300-8301/04

Mr. E.C. Agrawala, AOR

For official
Liquidator

Mr. Manish K.Bishnoi, Adv.

S.C.M.C.(in writ)

Mr. Raj Panjwani, Sr. Adv.

For Respondent(s) Mr. P.P. Malhotra, A.S.G.

	Mr. Ashok Bhan, Sr. Adv. Ms. Sadhana Sandhu, Adv. Mr. B. Krishna Prasad, AOR
UOI	Mr. Ashok Bhan, Sr. Adv. Ms. Sadhana Sandhu, Adv. Ms. Asha G.Nair, Adv. Mr. Shailender Saini, Adv. Mr. D.S. Mahra, Adv.
UOI	Mr. T.S. Doabia, Sr. Adv. Ms. Kiran Bhardwaj, Adv. Mr. D.S. Mahra, Adv.
	Mr. Anil Kumar Jha, AOR
	Mr. Manik Karanjawala, AOR
	Mr. K.B. Rohtagi, AOR
St. of Gujarat	Ms. Hemantika Wahi, AOR Ms. Jesal, Adv.
	Mr. Ashok Mathur, AOR
	Mr. Shakil Ahmed Syed, AOR
UPPCB	Mr. Pradeep Misra, AOR Mr. Shashank Pandit, Adv.
St.of Bihar	Mr. Gopal Singh, AOR (Standing Counsel) Mr. Manish Kumar, Adv. Mr. Chandan Kumar, Adv.
I.A.23,40,etc.in WP(C)657/95	
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St.of Tripura	Mr. Gopal Singh, Adv. (Standing Counsel) Mr. Rituraj Biswas, Adv.
In IAs. St.of Assam	Ms. Vartika Sahay, Adv. for M/s. Corporate Law Group, Adv.
St.of Manipur	Mr. Khwairakpam Nobin Singh, AOR Mr. Sapan Biswajit Meitei, Adv. Mr. Techii Poto, Adv.
for State of Arunachal Pradesh	Mr. Anil Shrivastav, AOR Mr. Rituraj Biswas, Adv.
	Mr. Amit Kumar, AOR
	Mr. Rakesh K. Sharma, AOR
	Mr. Radha Shyam Jena, AOR
	Mrs. Urmila Sirur, AOR
	Ms. Sushma Suri, AOR
	Mrs. Anil Katiyar, AOR
for State of UP In WP.	Mr. Rajeev K. Dubey, Adv. Mr. Kamalendra Mishra, AOR
	M/s. Sinha & Das
	Mr. Sanjay R. Hegde, AOR

Mr. Aruneshwar Gupta, AOR

Mr. Ejaj Maqbool, AOR

Ms. Bina Gupta, AOR

Ms. S. Janani, AOR

Mr. Ajay Sharma, AOR

in IA14-15

Mr. Atishi Dipankar, AOR

Mr. Nikhil Nayyar, AOR

I.A.23,40,etc.in WP(C)657/95

Mr. P.S. Sudheer, AOR

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Mr. D.N. Goburdhan, AOR

Mr. Mukesh Verma, Adv.

Mr. Praveen Thakur, Adv.

Mr. Yash Pal Dhingra, AOR

for Noticee Nos.
(iii)to(viii)

Mrs. Jayashree Wad, Adv.

Mr. Ashish Wad, Adv.

Mr. Tamali Wad, Adv.

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

Mr. Gaurav Agrawal, AOR

Ms. Binu Tamta, AOR

Mr. Ashwani Bhardwaj, AOR

Mr. E.C. Agrawal, AOR

Mr. R. Satish, AOR

Mr. Jay Savla, AOR

Mr. A. Raghunath, AOR

Mr. Ravindra Kumar, AOR

UOI

Mr. Mohan Parasaran, A.S.G.(N.P.)

Mr. D.L. Chidanand, Adv.

Ms. Asha G.Nair, Adv.

Mr. D.S. Mahra, AOR

Mr. Pragyan Pradip Sharma, Adv.

Ms. Mandakini Sharma, Adv.

for Mr. P.V. Yogeswaran, AOR

Mr. S.Muthukrishnan, Adv.

Mr. V.N. Raghupathy, AOR

Ms. Sumita Hazarika, AOR

Mr. D.N. Mishra, AOR

St.of MP

Mr. Vikas Bansal, Adv.

Ms. Vibha Datta Makhija, AOR

For Govt. of
I.A.23,40,etc.in WP(C)657/95

Mr. V.G. Pragasam, Adv.

Puducherry Mr. Praburama Subramanian, Adv.
Mr. S.J. Aristotle, Adv.

State of Haryana Mr. Manjit Singh, AAG.
Mr. Tarjit Singh, Adv.
Mr Kamal Mohan Gupta, Adv.

Mr. K.K. Gupta, AOR

Mr. Pramod Dayal, AOR

in IA 23 Mr. Ranjit Kumar, Sr. Adv.
(for DineshChandra) Mr. C.Mukund, Adv.
Mr. Ashok Jain, Adv.
Mr. Pankaj Jain, Adv.
Mr. Sushil Kumar Jain, AOR

Mr. B.V. Balaram Das, AOR

For CPCB Mr. Vijay Panjwani, Adv.

For State of Ms. Edward Belho, Adv.
Nagaland Mr. P.Athuimei R.Naga, Adv.
Mr. Nimshim Vashum, Adv.

For State of Ms. Asha G. Nair, Adv.
Maharashtra

For State of Mr. Ranjit Kapoor, Addl.AG.
Punjab Ms. Sonia Kapoor, Adv.
Mr. S.N. Mehrotra, Adv.
Mr. Asim, Adv.
Mr. Falak Mohd., Adv.

For State of Dr. Manish Singhvi, AAG
Rajasthan Mr. Irshad Ahmad, AOR.

In CP 155/2005 Mr. M.J. Paul, AOR

in Conmt.155/05 Mr. Sudarsh Menon, AOR
R3 Mr. Y.Lokesh, Adv.

In CA 7660/1997 Mr. V. Shekhar, Sr. Adv.(N.P.)
/appellant(Customs) Mr. Arijit Prasad, Adv.
Mr. T.A. Khan, Adv.
Mr. Arvind Kumar Sharma, Adv.

For Orissa S.P.C. Mr. Ashok Kumar Panda, Sr. Adv.
I.A.23,40,etc.in WP(C)657/95

Board Mr. Rutwik Panda, Adv.
Mr. Satyabrata Panda, Adv.

In CA 8300-8301/04 Mrs. Nandini Gore, AOR

Ms. Aparna Bhat, AOR

In CA 8300-8301/04 Mr. Colin Gonsalves, Sr. Adv.(N.P.)
Ms. Amiy Shukla, Adv.(N.P.)
Ms. Jyoti Mendiratta, AOR

in CA 8300-8301 Mr. R.K. Gupta, Adv.(N.P.)
Of 2004 Mr. Shekhar Kumar, AOR

For State of Mr. Ranjan Mukherjee, Adv.(N.P)

Meghalaya

for State of Sikkim

Mrs. Aruna Mathur, Adv.
For M/s. Arputham Associates & Co., Advs.

Ms. Anitha Shenoy, AOR.

Mr. Mohanprasad Meharia, AOR.

Mr. Dharam Bir Raj Vohra, AOR.

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

I.A. No.43 of 2007

1. On 29th February, 2012, when several matters were listed, in I.A. No.43 of 2007, filed by one Kishore R. Shah, we had directed Ms. Hemantika Wahi, learned counsel appearing for the State of Gujarat, to file an affidavit in support of the submission that steps have already been taken in the matter. We had also

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directed Ms. Vibha Datta Makhija, learned counsel appearing for the State of M.P., to file a similar affidavit as far as the supply of fresh drinking water to the areas in and contiguous to the Union Carbide Plant in Bhopal, was concerned.

2. As has been very frankly submitted by Ms. Jesal, who is holding Ms. Hemantika Wahi's brief, the affidavit is still to be obtained from the State of Gujarat. Ms. Vibha D

Makhija is not present in Court, but, in any event, let this matter be adjourned for three weeks to enable both Ms. Hemantika Wahi and Ms. Vibha Datta Makhija, to file their respective

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affidavits.

3. In the affidavit to be filed by the State of M.P., details should be provided as to what steps have been taken by the City Engineer, Nagar Nigam, Bhopal, M.P., in ensuring uncontaminated water is available to residents of the area in and around the Plant, and also as to the steps taken for decontamination of the ground water in the area.

4. In IA.43 the State of M.P. is also given I.A.23,40,etc.in WP(C)657/95

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three weeks time to file its affidavit in terms of the earlier directions contained in the order dated 29th February, 2012.

5. The Central Pollution Control Board, which has been added as party to these proceedings, and is represented in Court today, shall also file a report with regard to the removal of contamination of the ground water in the area where th Union Carbide factory/plant is situated.

I.A.23 in WP(C)No.657 of 1995

1. Mr. Dinesh Chandra, an ex-director of M/s.Shiv Priya Overseas Pvt.Ltd., which has since been dissolved under Section 481 of the Companies Act, 1956, is present in Court pursuant to the directions given in our order of 29th February, 2012. An affidavit has been filed on his behalf trying to explain the reasons for non-payment by the company of the

amounts to be paid to the Customs Department
with regard to incineration charges.

2. His personal appearance is dispensed with
until further orders.

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3. Since a question has arisen as to who
would be liable to make such payment in view of
the fact that the company has been wound up, Mr.
Parekh seeks some time to examine the matter and
to consider as to who, in the change

d
circumstances is required to make payment of the
said dues. It is unfortunate that the Customs
Department, despite being one of the parties to
these proceedings, is not represented when the
matter is taken up.

4. Let it be recorded that Mr. Arijit
Prasad, learned advocate, is appearing for the
Customs Department in C.A.No.7660 of 1997, which
is also on board today.

5. In the meantime, Ms. Wad, appearing for
some of the respondents, who have also been
directed to pay the incineration charges in
respect of their respective consignment(s),
shall file the respective affidavits of the
said respondents within the said period.

6. M/s.Indochem Industries, M/s. Valle
y
International, M/s. Pioneer Petrochem,etc., who
are not represented, shall also file their
respective affidavits, within the said period.

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Let all these matters be adjourned for a
period of three weeks (18th April, 2012).

(Sheetal Dhingra)
COURT MASTER

(Chetan Kumar)
Court Master

(Juginder Kaur)
Asstt. Registrar