

Part-heard

ITEM NO.301

COURT NO.1

SECTION PIL

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

RECORD OF PROCEEDINGS

Writ Petition (C) No.657 of 1995

RESEARCH FOUNDN. FOR SCIENCE

Petitioner(s)

VERSUS

U O I & ANR.

Respondent(s)

(With appln.(s) for intervention and Directions and office report)

WITH

S.L.P.(C) NO. 16175 of 1997 (Part-heard))

DR. SURENDRA DHELIA

Petitioner(s)

VERSUS

U O I & ORS.

Respondent(s)

(With appln(s) for ex-Parte stay and impleading party)

Civil Appeal NO. 7660 of 1997 (Part-heard)

U.O.I. & ORS.

Appellant(s)

VERSUS

GOYAL IMPEX & INDS. LTD. & ORS.

Respondent(s)

(With office report)

WITH

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

(Part-heard)

RESEARCH FOUNDN. FOR SC.,TECH.& N.R.P.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With office report)

Date: 24/10/2005 These Petitions were called on for hearing today.

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CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner (s)

In WP(C)657/95

Mr. Sanjay Parikh, Adv.

In SLP(C)16175/97

Ms. B. Vijayalakshmi Menon, Adv.

In CA 7660/97

Mr. P. Parmeswaran, Adv.

In CP(C)155/05

By Post

For applicant (s)

In I.A.21

Mr. S.Muralidhar, Adv.

Mr. Gaurav Agrawal, Adv.

Mr. Amit Sharma, Adv.

For Respondent(s)/appearing parties :

For UOI

Ms. Anil Katiyar, Adv.

Ms. Sushma Suri, Adv.

Mr. B. Krishna Prasad, Adv.

Mr. B.V. Balram Das, Adv.

For Min. of Env. Mrs. Anil Katiyar, Adv.

For Customs Mr. A. Subba Rao, Adv.
Ms. Sushma Suri, Adv.

For State of AP Mr. Manoj Saxena, Adv.
Mr. Amit Meharia, Adv.
Mr. Debojit Borkakati, Adv.
Mr. Mohanprasad Meharia, Adv.

For State of Arunachal Pradesh Mr. Anil Shrivastava, Adv.
Mr. Saurabh Shrivastava, Adv.

For State of Assam Ms. Krishna Sarma, Adv.
Mr. V.K. Sidatharan, Adv.
Mr. Riku Sarma, Adv.
for M/s. Corporate Law Group, Adv.

For State of Bihar Mr. B.B. Singh, Adv.

For State of Goa Ms. A. Subhashini, Adv.

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Mr. Bhavanishankar V. Gadnis, Adv.
Ms. Sunita B. Rao, Adv.

For State of Guj. Ms. Hemantika Wahi, Adv.
Ms. Sadhana Sandhu, Adv.

For State of HP Mr. J.S. Attri, AAG, HP

For State of Karnataka Mr. Sanjay R. Hegde, Adv.

For State of MP Ms. Vibha Datta Makhija, Adv.
Mr. Vishwajit Singh, Adv.

For State of Maharashtra Mr. S.S. Shinde, Adv.

..3/-

for Mr. V.N. Raghupathy, Adv.

For State of Manipur Mr. KH. Nobin Singh, Adv.

For State of Meghalaya Mr. Ranjan Mukherjee, Adv.

For State of Nagaland Mr. U. Hazarika, Adv.
Mr. Satya Mitra, Adv.
Ms. Sumita Hazarika, Adv.

For State of Orissa Mr. J.R. Das, Adv.
Mr. Swetaketu Mishra, Adv.

For Govt. of Pondicherry Mr. V.G. Pragasam, Adv.
& Pond.Poll.Con.Com.

For State of Rajasthan Mr. Aruneshwar Gupta, AAG, Raj.

For State of Sikkim Mr. A. Mariarputham, Adv.
Ms. Aruna Mathur, Adv.
for M/s. Arputham, Aruna & Co., Adv.

For State of TN Mr. R. Ayyam Perumal, Adv.
Mr. S. Vallinayagam, Adv.

For State of Tripura Mr. Rituraj Biswas, Adv.
Mr. Gopal Singh, Adv.

For State of UP Ms. S. Pandey, Adv.
Mr. Kamendra Mishra, Adv.
Mr. Rajeev Kumar Dubey, Adv.
Ms. Rashmi Singh, Adv.

For JN Port Trust Mr. R. Mohan, ASG
Mr. Ajay Sharma, Adv.
Mr. Rajeev Sharma, Adv.

For M/s. Shivpriya Mr. Ranjit Kumar, Sr.Adv.

Overseas	Ms. Nina Gupta, Adv. Ms. Shiva Lakshmi, Adv. Ms. Neelam Singh, Adv. Ms. Meha Kiran, Adv. Ms. Chaya Bodh Raj, Adv. Ms. Bina Gupta, Adv.
For NCT of Delhi/ DPCC/DSIDC	Mr. D.N. Goburdhun, Adv.
For CPCB	Mr. Vijay Panjwani, Adv.
For RPCB	Mr. K.B. Rohatgi, Adv. Ms. Aparna Rohatgi Jain, Adv.
For KSPCB	Mr. E.C. Agrawala, Adv. Mr. Mahesh Agarwal, Adv. Mr. Rishi Agrawala, Adv. Mr. Manu Krishnan, Adv.
For WBPCB	Mr. R. Mohan, ASG Mr. V.G. Pragasam, Adv.
For Bombay Port Trust	Mr. Buddy A. Ranganadhan, Adv. for M/s. J.B. Dadachanji & Co., Adv.
For M/s. Ludhiana Refineries	Ms. S. Janani, Adv.
For M/s. Eleven Star	Mr. D.N. Mishra, Adv.
For M/s. Royal Impex	Mr. Nikhil Nayyar, Adv.
For M/s. Versatile Export	Mr. Chandrakanta Nayak, Adv. Mr. Atishi Dipankar, Adv.
For M/s. Indochem India	Mr. Krishnan Venugopal, Adv. Mr. Anshu Mahajan, Adv. for Ms. Bina Gupta, Adv.

For Maharashtra

Mr. Mukesh Verma, Adv.

Poll.Con.Board

Mr. Manish Shanker, Adv.

Mr. Yash Pal Dhingra, Adv.

For Noticee 15

Ms. Sushila Ram, Adv.

Ms. Reena Sinha, Adv.

Ms. Jayashri Wad, Adv.

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

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Mr. Anil Kumar Jha, Adv.

Ms. Manik Karanjawala, Adv.

Mr. Ashok Mathur, Adv.

Mr. Shakil Ahmed Syed, Adv.

Mr. Pradeep Misra, Adv.

Mr. Rakesh K. Sharma, Adv.

Mr. Radha Shyam Jena, Adv.

Ms. Urmila Sirur, Adv.

Mr. Ejaz Maqbool, Adv.

Mr. Atishi Dipankar, Adv.

Mr. Ajay Sharma, Adv.

M/s. Sinha & Das, Adv.

Mr. Pramod Swarup, Adv.

In CA 7660 of 1997

Mr. K.K. Gupta, Adv.

Mr. Pramod Dayal, Adv.

Mr. Sushil Kumar Jain, Adv.

UPON hearing counsel the Court made the following

O R D E R

In terms of order dated 18th July, 2005 the Chief Commissioner of

Customs was directed to ensure service on the three parties which are

remained to be served. Mr. A.Subba Rao, learned counsel appearing for the

Customs Department states that two parties are not traceable and the third has

been served and further the concerned officer is Commissioner (Imports) and not

the Chief Commissioner of Customs.

Further, attempt should be made to serve the three parties referred in the

order dated July 18, 2005 and if still unserved, then a detailed affidavit shall be

filed placing on record the efforts made.

Some of the parties have sought time to deposit the incineration cost.

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Having regard to the facts and circumstances of the case M/s Royal Impex is

granted time to make the deposit by the end of November 2005. M/s Shivpriya

Overseas, M/s Indochem & M/s Versatile Exports are granted further time and

are directed to deposit the incineration cost in four equal instalments commencing

from 1st December, 2005 and ending with 31st March, 2006. The Commissioner

(Import) shall take further steps to serve M/s Shalimar Chemical Industries Pvt.

Ltd. As already stated no further time will be granted.

In case of default of any of the instalments, the entire amount will be

payable forthwith. No further opportunity shall be granted.

List these matters in the month of December 2005.

IA No.22 is allowed to be withdrawn.

(MEERA HEMANT)

AR-CUM-PS

(PHOOLAN WATI ARORA)

COURT MASTER