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W.P(C)No. 657 OF 1995
ITEM No.302 Part-heard Court No. 3

SECTION PIL
A/N MATTER

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.657/1995

RESEARCH FOUNDN. FOR SCIENCE

Petitioner (s)

VERSUS

U O I & ANR.

Respondent (s)

(With Appln(s). for impleadment& directions & clarification/direction of
order dated 5.1.2005 & office report)

WITH

SLP(C)No.16175/1997,

(With appln.for ex-parte stay & impleading party)

C.A.No.7660/1997 (With office report)

Date : 09/05/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner (s)Mr. Sanjay Parikh,Adv.

Mr.AN Singh,Adv.

Ms.B.Vijayalakshmi Menon,Adv.

Mr.P. Parmeswaran,Adv.

For Respondent (s)Mr.Mukul Rohatagi,Sr.Adv.

M/s Saurabh Kirpal,Arun Vasant Bakre,

Jayashree Wad,Ashish Wad,Neeraj Kumar,

Surabhi Madan,Advs.for

JS Wad & Co.

Mr. Anil Kumar Jha,Adv.

Mrs Manik Karanjawala,Adv.

M/s KB Rohtagi,Aparna Rohatgi Jain,

Mahesh Kasana,Advs.

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Ms. Hemantika Wahi,Sadhna Sandhu,Advs.

Mr. Ashok Mathur,Adv.

Mr. Shakil Ahmed Syed,Adv.

Mr. Pradeep Misra,Adv.

M/s. Gopal Singh,Rituraj,Advs.

Mr.Khwairakpam Nobin Singh,Adv.

M/s. B.B. Singh,Kumar Rajesh Singh,Advs.

M/s. Anil Shrivastav,Saurabh ShrivastavaAdvs.

Mr. T.V. Ratnam,Adv.

Mr. Mukesh K. Giri,Adv.

Mr. Rakesh K. Sharma,Adv.

Mr. Radha Shyam Jena,Adv.

Mrs Urmila Sirur,Adv.

Ms. Sushma Suri,Adv.

M/s A.Subba Rao, Vikas Sharma,

(Mrs) Anil Katiyar,Advs.

M/s.SWA Qadri,Kamlendra Mishra,

Rajeev K.Dubet,Rashmi Singh,Advs.

M/s DK Sinha,Janaranjan Das,

S.Mishra,Maushmi Gahlot,Smruti Mohanty,Advs.

for M/s Sinha & Das,Advs.

Mr. Sanjay R. Hegde,Adv.

Mr.RN Trivedi,Sr.Adv.

Mr.Buddy A.Ranganadhan,Adv.for

M/s J.B. Dadachanji & Co.

M/s Krishna Sarma,VK Sidharthan,

Atul Kumar, Advs. for
M/s Corporate Law Group

Mr. Javed Mahmud Rao, Adv.

Mr. Janaranjan Das, Adv.

M/s U. Hazarika, Satya Mitra,
(Ms.) Sumita Hazarika, Advs.

Mr. Ejaz Maqbool, Adv.

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Mrinalini Chandy, Advs.
M/s Tarun Gulati, Bina Gupta,

M/s Nidhesh Gupta, Vinod Shukla, Ms. S. Janani, Advs.

M/s. Ajay Sharma, Rajeev Sharma, Advs.

Mr. D.N. Mishra, Adv.

Mr. Atishi Dipankar, Adv.

Mr. Nikhil Nayyar, Adv.

Mr. B. Krishna Prasad, Adv.

Mr. Pramod Swarup, Adv.

Mr. D.N. Goburdhan, Adv.

Ms. Pinky Anand, Adv.

M/s. Vivek Vishnoi, Mukesh Verma,
Yash Pal Dhingra, Manish Shanker, Advs.

M/s EC Agrawala, Mahesh Agarwal,
Rishi Agrawal, Advs.

Mr. Mukul Rohatagi, Sr. Adv.

M/s Saurabh Kirpal, Jayashree Wad,
Ashish Wad, Neeraj Kumar, Surabhi Madan, Advs.

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

Mr. Vijay Panjwani, Adv.

M/s R. Ayyam Permal, S. Vallinayagam, Advs.

Mr. VG Pragasam, Adv.

Mr. Ranjan Mukherjee, Adv.

M/s A. Mariarputham, Aruna Mathur, Advs. for

M/s Arputham Aruna & Co.

Mr. Aruneshwar Gupta, AAG for Rajasthan

M/s Naveen K. Singh, Shivangi, Advs.

Mr. KK Gupta, Adv.

Mr. Pramod Dayal, Adv.

Mr. Sushil K. Jain, Adv.

Mr. BV Balaram Das, Adv.

Mr. Sanjay Parikh, Adv.

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UPON hearing counsel the Court made the following

O R D E R

From the Fifth Quarterly Report of March, 2005 filed by the Monitoring Committee it seems that the waste oil contained in 133 containers has not been destructed in terms of the directions of this Court dated 5.1.2005. The reason for it is non payment of cost of incineration by the importers. None of them have made the payment, though the direction was to deposit cost of incineration within four weeks from the Order dated 5.1.2005. Though the aspect of non-payment is very serious yet the destruction of the waste oil cannot be any more delayed. We, therefore direct the immediate destruction of the waste oil in terms of the order dated 5.1.2005 by the Monitoring Committee. For the present, the cost of incineration would be borne by the Customs Department. The importers have not filed any application seeking extension of time to deposit the cost of incineration. Prima facie, it seems to be a case of serious dis-obedience of the orders of this Court. However, at this stage, we grant one final opportunity to the importers to deposit the cost of incineration with the Monitoring Committee within a period of two weeks failing which they shall remain present in Court on 18th July, 2005 and show cause why action for contempt be not taken against them. The Monitoring Committee shall file report about the factum of destruction of waste oil and the payment, if made by the importers. The empty containers after destruction of the oil would be handed over by the Monitoring Committee to the Customs Department who would retain them and will not release them to any party until further orders of this Court. List on 18th July, 2005.

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Despite our direction dated 5.1.2005 neither the Jawahar Lal Nehru Port Trust nor the Mumbai Port Trust nor the Commissioner of Customs Department has furnished requisite information as to

170 containers to the Monitoring Committee. The same was required to be furnished within four weeks from our Order dated 5th January, 2005. None of them have filed any application seeking extension of time or placing on record any further difficulty or material. We direct the Chair-person of Jawahar Lal Nehru Port Trust and Mumbai Port Trust and Chief Commissioner of Customs Department to file personal affidavits stating reasons for non compliance of the order of this Court. Meanwhile, they may also furnish requisite information to the Monitoring Committee in terms of the order already passed.

IA No.17.

The prayer made in IA No.17 by some of the respondents, i.e. respondent nos.2,3,7,8,9,10 and 13 cannot be entertained. If they have any legal right to seek return of the containers they may proceed in accordance with law. I.A. is disposed of. As far as these persons are concerned, it is not necessary to issue formal notice of aforesaid order of contempt to them. The notice has been accepted by their counsel.

IA No.16.

Having heard learned counsel and perused the record, we direct that no Court or Authority shall take cognizance or

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entertain any challenge connected with the implementation of the order passed by this Court on 14th October, 2003. I.A. is disposed of.

Rest of the matters are adjourned.

List on 18th July, 2005.

[Naresh Kumar]
Court Master

[VP Tyagi]
Court Master