

àJ

ITEM NO.25  
[3.00 P.M.]

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

I.A.NOS. 23,40,42,43,55,56,57,63,64,65,66 & 67 IN  
W.P.(C)NO.657/1995

RESEARCH FOUNDN. FOR SCIENCE TECHNOLOGY & NATIONAL  
RESOURCE POLICY Petitioner(s)

VERSUS

U O I & ANR. Respondent(s)  
( for directions and clarification and impleadment and exemption from  
filing O.T.and office report )

WITH  
SLP(C)No.16175 of 1997  
(with appln.(s) for ex-parte stay)  
( for final disposal )  
C.A.No.7660 of 1997  
(with office report)  
( for final disposal )

WITH  
Conmt.Pet.(C)No.155/2005 in W.P.(C)No.657/1995  
(with appln.(s) for directions and office report)  
( for final disposal )

Date: 28/02/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE ANIL R. DAVE  
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. Sanjay Parikh, AOR  
Ms. Mamta Saxena, Adv.  
Mr. Bushra Parveen, Adv.  
Mr. A.N. Singh, Adv.

/applicants  
For Bhopal Group Ms. Karuna Nundy, Adv.  
for Information Ms. Aparna Bhat, AOR  
and Action

in CA 7660/97 Mr. P. Parmeswaran, AOR

in SLP(C)16175/97 Ms. B. Vijayalakshmi Menon, AOR

Conmt.Pet.155/05 By Post

For Respondent(s)

(UOI) in Mr. S.P. Singh, Sr. Adv.  
IA 63 Mr. Shalinder Saini, Adv.  
Ms. Rashmi Malhotra, Adv.  
Mr. S.K. Bajwa, Adv.  
Mr. S.N. Terdal, Adv.

UOI Mr. P.P. Malhotra, ASG.  
Mr. S.P. Singh, Sr. Adv.  
Ms. Sukhbeer Kaur Bajwa, Adv.  
Ms. Rashmi Malhotra, Adv.  
Mr. Shailinder Saini, Adv.  
Mr. S.N. Terdal, Adv.

St. of M.P. Ms. Vibha Datta Makhija , AOR

C.P.C.B. Mr. Vijay Panjwani, AOR

Mr. Rakesh Kr. Khanna, ASG  
Ms. Sunita Sharma, Adv.  
Ms. Asha G.Nair, Adv.  
Ms. Kiran Bhardwaj, Adv.  
Mr. A.Dev Kumar, Adv.  
Mr. D.S. Mahra, AOR

Ms. Asha G.Nair, Adv.  
Ms. Sunita Sharma, Adv.  
Mr. R.K. Krathore, Adv.

UT of Puducherry Mr. V.G. Pragasam, Adv.  
Mr. S.J. Aristotle, Adv.  
Mr. Prabu Ramasubramanian, Adv.

JNPT Mr. Ajay Sharma, Adv.  
Mr. Rakesh Sharma, Adv.

DPCC Mr. D.N. Goburdhan, Adv.  
Mr. Prabal Bagchi, Adv.

In IA 23/  
(Director) Mr. C.Mukund, Adv.  
Mr. Ashok Jain, Adv.  
Mr. Pankaj Jain, Adv.  
Mr. Bijoy Kr. Jain, AOR

Mr. Rutwik Panda, AOR

Mr. A.K. Sharma, AOR

Ms. Hemantika Wahi ,AOR

Ludhiana Ref. Ms. Meenakshi Vij, AOR

Mr. Arijit Prasad, Adv.  
Mr. T.A. Khan, Adv.  
UOI/Customs Deptt. Mr. B.K. Prasad, AOR

IA 23 Mr. Bijoy Kr. Jain, AOR.

IA 40,64&65 Ms Anitha Shenoy, AOR

IA 42 in IA34 Mr. A. Ragunath, AOR

IA 55 to 57 Mr. P.S. Sudheer, AOR

IA 60 Ms Aparna Bhat, AOR.

IA 23 Mrs. Jayshree Wad, Adv.  
Mr. Ashish Wad, Adv.  
For Noticees Mrs. Tamali Wad, Adv.  
Nos.(iii) to(vii) Mr. Mayank Kshirsagar, Adv.  
Mr. Aditya Gupte, Adv.  
for M/s.J.S. Wad, Advs.

for Off.Liq. Mr. Manish Kr.Bishnoi, AOR.

In CA 7660/1997 Mr. K.K. Gupta, AOR

Mr. Pramod Dayal, AOR

Mr. Sushil Kumar Jain, AOR

in Commt.Pet.

Mr. M.J. Paul, AOR.

Mr. Sudarh Menon, AOR

For Sec.  
Environment,  
St. of Goa

Mr. Bhavanishankar V. Gadnis, Adv.  
Mr. A.Raghunath, AOR.

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

1. We have seen the Interim Report dated 23rd February, 2013, on the progress of work undertaken by the Bhopal Municipal Corporation for providing potable water to 22 affected areas near the Union Carbide plant, Bhopal, filed by Mr. Anurag Shrivastava, Member-Secretary, M.P.State Legal Services Authority, Jabalpur, M.P., as the Chairperson of the Monitoring Committee.

2. There are various matters, which are yet to be completed, such as, identifying the persons entitled to the benefits of our earlier Orders for providing water-connections to their respective residences.

3. It has been indicated by Ms. Karuna Nundy and Mr. Sanjay Parikh, that out of the large number of applicants, who had applied pursuant to the advertisements made in terms of our earlier Order, the cases of the majority of the applicants were disallowed and that appeals preferred by them were now pending before the Commissioner, Bhopal Gas Relief and Rehabilitation, as an Appellate Authority. Although, it has been submitted by Ms. Nundy, that joint appeals are not being entertained by the Officers concerned, we are informed by Ms. Makhija, that the same have been allowed and joint appeals have been preferred and are being considered by the concerned authorities.

4. Having regard to the above, we adjourn this matter till 21st March, 2013, (at 3.00 p.m.) and direct that the report of the Appellate Authority should be made available to us on the next date. Ms. Makhija, assures us that an affidavit to that effect would be filed on the next date.

5. Apart from the above, even on the question of separation of the pipe lines carrying the potable drinking water, from the sewerage lines, it has been submitted by Mr. Anurag Shrivastava, Member-Secretary of the M.P.State Legal Services Authority, Jabalpur, M.P., that some work has been done to address the said problem. Ms. Makhija, is requested to see that the work in the other area(s) are also completed as expeditiously as possible, having particular regard to the fact that the monsoon is not far away.

6. The third issue with regard to the non-payment of incineration charges was also considered and it was pointed out by Ms. Wad, that her clients, namely, (i)M/s.Hindustan Trading Corporation (ii)M/s.Central Steel & General Industries (iii)M/s.Jairaj Ispast Ltd. and (iv)M/s.Sri Sainath Enterprises, had already paid their dues, which leaves us with regard to the payments still to be made by (1)M/s. Shiv Priya Overseas (P)Ltd.(2)M/s.Indochem Industries Ltd.(3)M/s. Shalimar Chemicals Industries Pvt.Ltd.(4)M/s.Ludhiana Refineries and (5)M/s.Pioneer Petrochem,etc.

7. Mr. Sanjay Parikh, learned advocate, appearing for the petitioner points out that the addresses of the afore-said defaulters have been provided through an affidavit filed by the Commissioner of Customs on 16th January, 2008. The said defaulters are given a further opportunity to pay all the dues of the Investors by the next date.

8. As far as M/s. ShivPriya Overseas(P)Ltd. is concerned, it has filed an application, being I.A.23 of 2005, and it is submitted by one of the Directors of the said company, Mr. Dinesh Chandra, who is present today, that the company has gone into

liquidation. The liability of the Directors to pay the dues of the company upon liquidation has been questioned and the said issue is yet to be resolved. Let the said matter be also considered on the next date.

9. The other pending applications will be considered on the next date.

10. It has also been submitted by Ms. Nundi, that the water bills which have been raised on the residents to whom pipelines had been provided, are for periods prior to the date on which such connections had been given. Ms. Makhija undertakes to look into the matter and take appropriate steps thereupon.

| (Sheetal Dhingra)  
| COURT MASTER

| | (Juginder Kaur)  
| | Assistant Registrar

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