

ITEM NO.1 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  
WRIT PETITION (C) NO.657 OF 1995

RESEARCH FOUNDN. FOR SCIENCE Petitioner(s)

VERSUS

U O I & ANR. Respondent(s)

(With appln(s) for directions and impleadment and clarification  
and office report)

WITH CONMT. PET.(C) NO.155 of 2005  
(With appln.(s) for directions and office report)  
SLP(C) NO.16175 of 1997  
(With appln.(s) for ex-parte stay and impleading party)  
Civil Appeal NO.7660 of 1997  
(With office report)  
Civil Appeal NOS.8300-8301 of 2004  
(With appln.(s) for impleading party)

Date: 19/04/2012 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.  
Ms. Bushra Praveena, Adv.  
In SLP 16175/1997 Ms. B. Vijayalakshmi Menon, AOR  
In CA 7660/1997 Mr. P. Parmeswaran, AOR  
In CP 155/2005 BY POST  
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In CA 8300-8301/04 Mr. E.C. Agrawala, AOR  
For Respondent(s) Mr. P.P. Malhotra, A.S.G.  
UOI Mr. Ashok Bhan, Sr. Adv.  
Ms. Sadhana Sandhu, Adv.  
Mr. B. Krishna Prasad, AOR  
Mr. Anil Kumar Jha, AOR  
Mr. Manik Karanjawala, AOR  
Mr. K.B. Rohtagi, AOR  
Mr. Ashok Mathur, AOR

Mr. Shakil Ahmed Syed, AOR

For UPPCB

Mr. Pradeep Misra, AOR  
Mr. Suraj Singh, Adv.

Mr. Gopal Singh, AOR

For State of  
Manipur

Mr. Khwairakpam Nobin Singh, AOR  
Mr. Sapan Biswajit Meitei, Adv.  
Mr. Tech Poto, Adv.

For State of  
Arunachal Pradesh

Mr. Anil Shrivastav, AOR

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

Mr. Kamalendra Mishra, AOR

M/s. Sinha & Das

Mr. Sanjay R. Hegde, AOR

M/s. Corporate Law Group

Mr. Aruneshwar Gupta, AOR

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Mr. Janaranjan Das, AOR

Mr. Ejaj Maqbool, AOR

Ms. Bina Gupta, AOR

Ms. S. Janani, AOR

Mr. Ajay Sharma, AOR

Mr. Atishi Dipankar, AOR

Mr. Nikhil Nayyar, AOR

Mr. P.S. Sudheer, AOR

Mr. D.N. Goburdhan, AOR

Mr. Prabal Bagchi, Adv.

Mr. Shiv Kant Arora, Adv.

Mr. Mukesh Verma, Adv.

Mr. Pravesh Thakur, Adv.

Mr. Yash Pal Dhingra, AOR

For Defaulter Nos.  
4,5,6 and 7

Mrs. Jayashree Wad, Adv.

Mr. Ashish Wad, Adv.

Ms. Tamali Wad, Adv.

Ms. Kanika, Adv.

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

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  
Mr. Mohan Prasaran, A.S.G.  
Mr. Sunil Roy, Adv.

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Ms. Sunita Sharma, Adv.  
Mr. D.L. Chidanand, Adv.  
Ms. Asha G. Nair, Adv.  
Ms. Kiran Bhardwaj, Adv.  
Mr. D.S. Mahra, AOR

Mr. T.S. Doabial, Sr. Adv.  
Ms. Kiran Bhardwaj, Adv.  
Mr. D.S. Mahra, AOR

Mr. E.C. Agrawala, AOR

Mr. Pragyan P. Sharma, Adv.  
Mr. Rupesh Gupta, Adv.  
Ms. Mandakini Sharma, Adv.  
Mr. P.V. Yogeswaran, AOR  
Mr. S. Muthu Krishnan, Adv.  
Mr. Gautam Dhamija, Adv.

Mr. V.N. Raghupathy, AOR

Ms. Sumita Hazarika, AOR

Mr. D.N. Mishra, AOR

For State of MP

Mr. Vikas Bansal, Adv.  
Ms. Vibha Datta Makhija, AOR

For Govt. of  
Puducherry

Mr. V.G. Pragasam, Adv.  
Mr. S.J. Aristotle, Adv.  
Mr. Praburamasubramanian, Adv.

State of Haryana

Mr. Tarjit Singh, Adv.  
Mr. Manjit Singh, Adv.  
Mr. Kamal Mohan Gupta, AOR

Mr. Pramod Dayal, AOR

Mr. Sushil Kumar Jain, AOR

Mr. B.V. Balaram Das, AOR

For State of  
Nagaland

Mr. Edward Belho, Adv.  
Mr. K. Enatoli Sema, Adv.  
Mr. Nimshim Vashum, Adv.

For State of  
Maharashtra

Ms. Asha G. Nair, AOR

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For State of Rajasthan	Dr. Manish Singhvi, AAG Mr. Abhinav Ramkrishna, Adv. Mr. Milind Kumar, Adv.
	Ms. B. Sunita Rao, Adv.
In CP 155/2005	Mr. M.J. Paul, AOR  Mr. Sudarsh Menon, AOR
For Orissa SPCB	Mr. A.K. Panda, Sr. Adv. Mr. Rutwik Panda, AOR
In CA 8300-8301/04	Mrs. Nandini Gore, AOR
For State of Gujarat	Ms. Hemantika Wahi, AOR Ms. Jesal, Adv. Ms. Rojalin Pradhan, Adv.
	Ms. Aparna Bhat, AOR
In CA 8300-8301/04	Mr. Colin Gonsalves, Sr. Adv. Mr. Anuj Castileno, Adv. Ms. Jyoti Mendiratta, AOR
	Mr. Shekhar Kumar, AOR
For State of Meghalaya	Mr. Ranjan Mukherjee, Adv. Mr. S. Bhowmick, Adv. Mr. S.C. Ghosh, Adv. Ms. Garima Bose, Adv.
For State of Sikkim	Mr. A. Mariarputham, AG Sikkim Mrs. Aruna Mathur, Adv. Mr. Y. Khan, Adv.
For SCMC	Mr. Raj Panjwani, Sr. Adv. Mr. Aditya Shamlal, Adv.
For CPCB	Mr. Vijay Panjwani, Adv.
For Dinesh Chandra Applicant	Mr. Ranjit Kumar, Sr. Adv. Mr. C. Mukund, Adv. Mr. Ashok Kumar Jain, Adv. Mr. Pankaj Jain, Adv. Mr. P.V. Saravana Raja, Adv. Mr. Ravi Kumar, Adv.
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	Mr. Bijoy Kumar Jain, AOR
For R-8/ Ludhiana Refineries	Mr. Chirag Jamwal, Adv.
For Official Liquidator	Mr. Manish Bishnoi, Adv.
For M/o Customs & Excise	Mr. Arijit Prasad, Adv. Mr. T.A. Khan, Adv. Mr. Arvind Kumar Sharma, Adv.

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

During the course of hearing of I.A. No.23 of 2005, it transpired that the affidavit affirmed by Mr. Dinesh Chandra on behalf of M/s. Shiv Priya Overseas (P) Ltd., on 28th July, 2005, and which has been included in the paper book, differs from the copy of the affidavit which has been included in the compilation filed on behalf of Mr. Dinesh Chandra. Since a very significant sentence, in which Mr. Dinesh Chandra had undertaken to pay the incineration cost, has been omitted from the copy of the affidavit included in the compilation, let this matter stand over till 26th April, 2012, to enable learned counsel appearing for Mr. Dinesh Chandra to explain the anomaly.

Mr. Chirag Jamwal, learned Advocate, appears and submits on instructions that he will be appearing for Ludhiana Refineries, which has been identified as defaulter No.8, and prays for time to file his Vakalatnama and affidavit. Such prayer is allowed and leave is given to Mr. Jamwal to file his Vakalatnama and affidavit on behalf

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of the defaulter No.8, within the next date.

Leave is given to Ms. Jaishree Wad, learned counsel appearing for defaulter Nos.4, 5, 6 and 7, to correct the cause title of the affidavits already filed by her and to file an additional affidavit, if required.

Leave is given to the learned Advocate-on-Record for Mr. Dinesh Chandra to apply for a certified copy of the affidavit, which was filed on 28th July, 2005. If such an application is made, the same is to be supplied to the applicant immediately.

Let it also be noted that today the customs authorities have entered appearance. They are directed to file a short affidavit in response to the affidavit filed by the defaulters.

Incidentally, the State of Gujarat and the State of Madhya Pradesh had been directed to file their response with regard to the steps taken for providing fresh drinking water in the areas in question. While the State of Gujarat has filed such an affidavit, the same is yet to be filed by the State of Madhya Pradesh, for whom Ms. Vibha Datta Makhija, learned counsel, has appeared and prayed for some time. Time for filing such affidavit by the State of M.P., is extended by a period of two weeks and the Central Pollution Control Board is given time to file its composite report by 4th June, 2012. Copies thereof may be circulated to the parties concerned.

C.A. NOS.8300-8301 OF 2004

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In terms of the signed order, the appeals arising out of S.L.P. (C) Nos.14936-14937 of 1998, may be treated as withdrawn. In view of the order passed in the appeals, the

applications for impleadment (being I.A. Nos.3-4) are dismissed.

(Chetan Kumar)  
Court Master

(Juginder Kaur)  
Assistant Registrar

(Signed order in C.A. NOS.8300-8301/2004 is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s).8300-8301 OF 2004

GUJARAT SHIPBREAKERS ASOCN.&ANR

Appellant (s)

VERSUS

GUJARAT KHET KAMDAR UNION & ORS

Respondent(s)

O R D E R

Civil Appeal Nos.8300-8301 of 2004, which arise out of SLP(C)Nos.14936-14937 of 1998, were withdrawn by the Special Leave Petitioners/appellants on 29th February, 2012.

In

fact, on that date while Mr. Agrawala, learned AOR, appearing for the petitioners, had submitted that the petitioners did not wish to proceed with the Special Leave Petitions, Mr. Gonsalves, learned senior counsel appearing for some of the respondents, had submitted that the writ petition itself had been disposed of by the High Court with certain directions.

Accordingly, nothing further remains in these matters and the appeals @ from the Special Leave Petitions may be treated as withdrawn also.

However, as indicated by Mr.Gonsalves, certain directions have been given by the High Court while disposing of the writ petition, and the same may be taken into consideration at the time of passing final judgment in

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the matter.

In view of the order passed above, the applications for impleadment (being IA Nos.3-4) are dismissed.

.....J.  
(ALTAMAS KABIR)

.....J.  
(J.CHELAMESWAR)

NEW DELHI;  
April 19, 2012.