

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO.657 OF 1995

THE RESEARCH FOUNDATION FOR SCIENCE
TECHNOLOGY AND NATURAL RESOURCE POLICY ... PETITIONER(S)

VS.

UNION OF INDIA & ORS. ... RESPONDENT(S)

O R D E R

1. During the course of hearing today, only the issue of illegal import of waste oil was taken up for consideration, (for which an interlocutory application has been filed). It is necessary to notice, that the above issue has already been determined by this Court. It was concluded by this Court, that the above illegally imported waste oil/used oil be incinerated. The said responsibility was vested with the Union of India/Department of Customs. The aforesaid direction has already been complied with, inasmuch as, the illegally imported waste oil/used oil has been incinerated.

2. The next question, that arose for consideration, was the reimbursement of total cost of Rs.39,91,800/- (rupees thirty nine lakhs, ninety one thousand and eight hundred, only) for incineration with reference to 130 containers of waste oil/used oil, which has been borne by the Customs Department. It was decided, that the aforesaid amount be

recovered from the importers of the illegally imported waste oil/used oil. It is pointed out on behalf of the petitioner, that in compliance with the order dated 17.2.2017, the entire cost had been recovered, except an amount of Rs.39,91,800/-. The above balance amount was to be recovered from M/s. Shivpriya Overseas Pvt. Ltd.

3. Besides the aforesaid waste oil containers, reference was also made to 212 containers, out of which 190 containers contained waste oil/used oil, and 22 containers contained non-ferrous metallic scrap. Insofar as, the incineration of the waste oil/used oil is concerned, an affidavit dated 17.4.2015 was filed by Commissioner of Customs indicating, that the Customs Department had expended Rs.4,57,88,140/- (rupees four crores, fifty seven lakhs, eighty eight thousand, one hundred and forty, only). The above amount had to be recovered from 19 importers. The position, as it obtains presently is, that out of the 19 importers, only 6 importers indicated hereinbelow, have not yet reimbursed the entire cost of incineration, to the (Customs) Department :

- i) M/s. MP Agro
- ii) M/s. ECS Petrochem
- iii) M/s. Sri Sai Prasanna Trading
- iv) M/s. Ronito International
- v) M/s. Shyama International
- vi) M/s. Kamal International

6. It is not necessary for us to examine the status of the companies concerned. We are of the view, that the

illegal import was effectuated, on the directions of those in charge of the affairs of the concerned companies, namely, their Managing Directors/Partners, as the case may be, and as such, whether or not the companies or partnerships are still subsisting, it is imperative to make recovery of the amounts due, from those who were in charge of the affairs of the companies/partnerships.

7. It is in the above context, as a last resort, we afford two weeks' time to the concerns/companies/partnerships referred to hereinabove, who have not yet deposited the balance incineration cost to do so, failing which, we hereby authorize the Customs Department, to recover the amount in terms of the procedure expressed in Section 142 of the Customs Act, 1962.

8. On the remaining issues, post for hearing tomorrow, i.e., 6.7.2017.

.....CJI.
[JAGDISH SINGH KHEHAR]

.....J.
[Dr. D.Y. CHANDRACHUD]

New Delhi;
5th July, 2017.

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

Writ Petition (Civil) No(s).657/1995

RESEARCH FOUNDATION FOR SCIENCE, TECHNOLOGY
AND NATURAL RESOURCE POLICY

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.
(WITH IA NO.43/2007, IA NO.63/2012 & IA NO.23/2006)

Respondent(s)

WITH

CONTEMPT PETITION(C)NO.155/2005 IN WRIT PETITION(C)NO.657/1995

Date : 05-07-2017 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUDFor Petitioner(s) Mr. Sanjay Parikh,Adv.
Ms. Ninni susan Thomas,Adv.

Ms. Karuna Nandy,Adv.
Ms. Aparna Bhat,Adv.
Ms. Megha Agarwal,Adv.

By Post

For Respondent(s)
UOI Mr. P.S. Narsimha,ASG
Mr. Y.P. Adhyaru,Sr.Adv.
Mr. Ajit Kr. Sinha,Sr.Adv.
Mr. Anish Kumar Gupta,Adv.
Mr. Shankar Divate,Adv.
Ms. Kiran Bhardwaj,Adv.
Mr. Amit Kumar,Adv.
Mr. Raj Bahadur,Adv.
Mr. A.K. Gupta,Adv.
Mr. Amit Sharma,Adv.
Mr. G.S. Makker,Adv.Customs Deptt. Mr. K. Radhakrishnan,Sr.Adv.
Mr. Arijit Prasad,Adv.
Mr. B.K. Prasad,Adv.State of Arunachal Pradesh Mr. Anil Shrivastav,Adv.
Mr. Rituraj,Adv.

State of Assam	Ms. Diksha Rai, Adv. M/s. Corporate Law Group, Advs.
State of Bihar	Mr. Gopal Singh, Adv. Mr. Shreyas Jain, Adv.
State of Gujarat	Ms. Hemantika Wahi, Adv. Ms. Puja Singh, Adv. Ms. Mamta Singh, Adv.
State of Jharkhand	Mr. Tapesh Kumar Singh, Adv. Mohd. Waquas, Adv. Mr. Aditya Pratap Singh, Adv.
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State of Odisha	Mr. Sibho Sankar Mishra, Adv. Mr. Umakant Mishra, Adv. Mr. Niranjana Sahu, Adv.
State of Raj.	Mr. S.S. Shamsbery, AAG Mr. Amit Sharma, Adv. Mr. Ankit Raj, Adv. For Ms. Ruchi Kohli, Adv.
State of Sikkim	Ms. Aruna Mathur, Adv. Mr. Avneesh Arputham, Adv. Ms. Anuradha Arputham, Adv. Mr. Amit Arora, Adv. For M/s. Arputham, Aruna & Co., Advs.
State of Tripura	Mr. Gopal Singh, Adv. Mr. Rituraj Biswas, Adv.

CPCB Mr. Vijay Panjwani, Adv.

Raj.State PCB Ms. Aprna Rohatgi Jain, Adv.
Mr. Mahesh Kasana, Adv.
Mr. S.K. Dhingra, Adv.

State of Puducherry Mr. V.G. Pragasam, Adv.
Mr. S. Prabu Ramasubramanian, Adv.

Ms. Sushma Verma, Adv.
Mr. Suresh Kumar, Adv.
For Mr. Praveen Swarup, Adv.

Mr. M. Shoeb Alam, Adv.
Ms. Fauzia Shakil, Adv.
Mr. Ujjwal Singh, Adv.
Mr. Mojahid Karim Khan, Adv.

Mr. Mukesh Verma, Adv.
Mr. Pawan Kumar Shukla, Adv.
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For Mr. Yash Pal Dhingra, Adv.

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For Mr. Bijoy Kumar Jain, Adv.

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Mrs. Urmila Sirur, Adv.

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

Ms. Minakshi Vij, Adv.

For M/s. Sinha & Das, Adv.

Ms. S. Janani, Adv.

Mr. M.R. Shamshad, Adv.

Mr. Ejaz Maqbool, Adv.

Mr. Shakil Ahmed Syed, Adv.

Mr. Jay Savla, Adv.

Mr. Nikhil Nayyar, Adv.

Mr. Mohanprasad Meharia, Adv.

Mr. M.J. Paul, Adv.

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

The matter is directed to be listed on 6.7.2017, in
terms of the signed order.

(Sarita Purohit)
Court Master

(Renuka Sadana)
Assistant Registrar

(Signed order is placed on the file)

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