

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. for impleadment/directions and exemption from filing O.T.
and clarification/directions and office report)

WITH

SLP(C) NO. 16175 of 1997

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

Civil Appeal NO. 7660 of 1997

(With office report)

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

(With office report)

Date: 12/03/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

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UPON hearing counsel the Court made the following

O R D E R

Having heard learned counsel for the parties, we are of the view

that a further report by the T.E.C. is required to indicate as to whether

conditions stipulated have been complied with before any action can b

e

taken on the dismantling plan. Let the applicant in I.A. No.

34 place

e has materials before T.E.C. as to how and in what manner complianc

been done. While deciding the acceptability of the stand of the applicant,

jarat the T.E.C. shall involve the Gujarat Maritime Board and the Gu

report Pollution Control Board and take note of their views. In the

apart from examining the general compliance of the conditions, specific

focus has to be drawn on three particular aspects, namely, (a) whether

pre-conditions for dismantling have been complied with; (b) whether 80%

of the asbestos is reusable as is contended by the applicant; (c) what

steps have been taken to control the environmental impact of asbestos

dust generated in the process of dismantling. The T.E.C. shall also

suggest as to which agency shall oversee and monitor

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the dismantling in case it recommends acceptance of the dismantling

plan. The report shall be submitted within six weeks. The other aspects

relating to the reversibility or impermissibility of the beaching, manner

of dealing with hazardous from asbestos and other hazardous material

shall be considered after the receipt of the report from the T.E.C. The

T.E.C. which was constituted pursuant to the order of this court having

submitted its report is stated to have become functus officio shall

examine the matter as directed.

List the matter after six weeks.

(Ganga Thakur)

PS to Registrar

(Madhu Saxena)

Court mAster