

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 OF 1995

RESEARCH FOUNDN. FOR SCIENCE TECHNOLOGY AND
NATURAL RESOURCES POLICY

Petitioner(s)

VERSUS

U O I & ANR.

Respondent(s)

With

S.L.P.(C) No.16175/1997 & C.A.no.7660/1997

(HEARD BY HON'BLE Y.K. SABHARWAL AND S.H. KAPADIA, JJ.)

Date: 05/01/2005 These Petitions were called on for pronouncement
of judgment today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appearing Parties:

Mr. Sanjay Parikh, Adv.

Mr. D.K. Sinha, Adv.

Mr. Janaranjan Das, Adv.

Mr. Swetaketu Mishra, Adv.

Ms. Moushumi Gahlot, Adv.

for M/s.Sinha & Das, Adv.

Mr. V.G. Pragasam, Adv.

Mr. J.R.Das, Adv.

Mr. Swetaketu Mishra, Adv.

Ms. Moushumi Gahlot, Adv.

Mr. Gopal Singh, Adv.

Mr. Anurag Sharma, Adv.

Mr. Rituraj Biswas, Adv.

Mr. Ajay Sharma, Adv.

Mrs. Hemantika Wahi, Adv.

Mrs. Sadhana Sandhu, Adv.

Mrs. Manik Karanjawala, Adv.

Mr.K.B.Rohtagi, Adv.

Mr. R.C. Verma, Adv.

Mr. Ashok Mathur, Adv.

Mr. Shakil ahmed Syed, Adv.

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Mr. Pradeep Misra, Adv.

Mr. KH. Nobin Singh, Adv.

Mr. B.B. Singh, Adv.

Mr. Anil Shrivastav, Adv.

Mr. T.V.Ratnam, Adv.

Mr. Mukesh K. Giri, Adv.

Mr. Rakesh K. Sharma, Adv.

Mr. R.S. Jena, Adv.

Mrs. Urmila Sirur, Adv.

Ms. Sushma Suri, Adv.

Mr. Anil Kumar Jha, Adv.

Mrs. Anil Katiyar, Adv.

Mr. Kamendra Mishra, Adv.

Mr. Sanjay R. Hegde, Adv.

M/s. J.B.D. & Co., Adv.

M/s. Corporate Law Group, Adv.

Mr. Javed M. Rao, Adv.

Ms. Sumita Hazarika, Adv.
Mr. Ejaz Maqbool, Adv.
Ms. Bina Gupta, Adv.
Ms. S.Janani, Adv.
Mr. D.N. Mishra, Adv.
Mr. Atishi Dipankar, Adv.
Mr. Nikhil Nayyar, Adv.
Mr. B.K. Prasad, Adv.
Mr. Pramod Swarup, Adv.
Ms. B. Vijayalakshmi Menon, Adv.
Mr. K.K. Gupta, Adv.
Mr. Sushil Kr. Jain, Adv.

UPON hearing counsel the Court made the following

O R D E R

Hon'ble Mr. Justice Y.K.Sabharwal pronounced the judgment of the Court.

".....we have no manner of doubt that the only appropriate course to protect

environments is to direct the destruction of the consignments by incineration in terms

discussed above and as recommended by the Monitoring Committee.

It seems that by disposal of the oil under the supervision of Monitoring

Committee at the incinerators which have adequate facilities to destroy the oil at a

required temperature, there would be no impact on environments.

In regard to 170 containers referred to in the report of the Commissioner of

Customs which are also lodged in the same premises in more or less same condition, the

Monitoring Committee has noted that these containers have not been claimed by the

importers. The details of the importers of these consignments are not on record. Before

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we issue directions in respect of these 170 containers, it would be necessary to have on

record the details of these imports. The concerned authorities i.e., Jawaharlal Nehru

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Port or Mumbai Port and all other concerned Departments are directed to furnish to the Monitoring Committee within four weeks up to date information as to the import of the 170 containers, how the consignment was dealt with right from the date of the arrival till date. The Monitoring Committee shall file a report along with its recommendations and on consideration thereof, necessary directions in regard to 170 containers would be issued.

The aforesaid 133 containers are directed to be expeditiously destroyed by

incineration as per the recommendations of the Monitoring Committee and under its

supervision subject to and in terms of this order. The cost of incineration shall be

deposited by the importers with the Monitoring Committee within four weeks. The

Monitoring Committee will ensure the timely destruction of the oil at the incinerators

mentioned in its report. After the destruction of the oil in question, a compliance report

shall be filed by the Monitoring Committee. All concerned are directed to render full

assistance and cooperation to the Monitoring Committee. In regard to the consignment

of Eleven Star Esscon, in case option for recycling is exercised by the Government,

the recycling

would be done under the supervision of the Monitoring Committee. If the request for

recycling is not received by the Monitoring Committee within four weeks, the said

consignment would also be destroyed in the same manner as the other consignments."

REPOTABLE.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Court Master

(Signed Judgment is placed on the file.)