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ITEM NO.39

COURT NO.3

SECTION IVA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).9874/2012  
(From the judgement and order dated 05/03/2012 in WP No.2802/2004 of The  
HIGH COURT OF M.P AT JABALPUR)

UNION OF INDIA

Petitioner(s)

VERSUS

ALOK PRATAP SINGH & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T.,modification of Court's  
Order,permission and office report)

Date: 04/03/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s)

Mr. Paras Kuhad, Adv.  
Mr. Nakul Dewan, Adv.  
Mr. Sahil Tagotra, Adv.

For Respondent(s)

Mr. P.S. Patwalia, Sr. Adv.  
Mr. C.D. Singh, Adv.  
Mr. Sunny Choudhary, Adv.

Mr. Sanjay Parikh, Adv.  
Ms. Mamta Saxena, Adv.

Ms. Karuna Nandy, Adv.  
Mr. Avi Singh, Adv.  
Mr. Sandeep, Adv.

Mr. Vijay Panjwani, Adv.

Mr. M.P.S. Chauhan, Adv.

UPON hearing counsel the Court made the following

O R D E R

During the pendency of this matter, the parties filed several affidavits and a number of interim orders were passed by this Court. On 25.02.2013, the learned Additional Solicitor General produced a report prepared by the Central Pollution Control Board which, among other things, identified the industries where similar hazardous waste material is available.

Today, in the pre-lunch session, the learned Additional Solicitor General and Shri P.S. Patwalia, learned senior counsel appearing for the State of Madhya Pradesh indicated that their respective clients are in broad agreement for processing of the waste available with M/s Hindustan Insecticides Limited (HIL), Cochin within the State of Kerala, which is substantially similar to union carbide waste.

In the post-lunch session, the learned Additional Solicitor General made available a chart of the activities and the time frame for collection, packaging, storage, transportation etc. of the waste available with HIL.

We have considered the submissions made at the Bar and gone through the papers made available by the learned Additional Solicitor General and direct as under:

1. The Central Government (Ministry of Environment) shall immediately get in touch with the management of M/s. Hindustan

- Insecticides Limited for providing ten tonnes of pesticide waste.
2. The Management of M/s Hindustan Insecticides Limited shall make available ten tonnes waste to the representatives of the Central Government.
  3. The Kerala State Pollution Control Board (KSPCB) shall, without any delay, give necessary authorization / clearance to M/s. Hindustan Insecticides Limited under Rule 5 of Hazardous Waste (Management, Handling and Trans-boundary Movement) Rules, 2008 to deliver ten tonnes of pesticide waste to the representatives of the Central Government.
  4. The Central Government shall, after obtaining necessary authorization which shall be made available by the Madhya Pradesh Pollution Control Board and the KSPCB, undertake packaging, storage, transportation etc. of ten tonnes of waste for the purpose of trial incineration at TSDF, Pithampur.
  5. The Central Government may engage a private agency, if considered necessary, for packaging and transportation of the waste procured from M/s. Hindustan Insecticides Limited.
  6. The Governments of the States of Kerala, Tamil Nadu, Karnataka, Andhra Pradesh, Maharashtra, Chhattisgarh and Madhya Pradesh are directed to extend full co-operation to the Central Government for smooth transportation of the waste from Cochin to Pithampur in Madhya Pradesh and for this purpose necessary security including police escort shall be arranged by the respective State Governments.
  7. The Pollution Control Board of the seven States shall also issue the required clearances, without any delay, for facilitating collection and transportation of the waste from M/s Hindustan Insecticides Limited.
  8. The Government of Madhya Pradesh and Madhya Pradesh Pollution Control Board shall be free to depute their officers for extending co-operation to the Central Government in the aforesaid activities.
  9. The Central Government shall send advance intimation to the Governments of the concerned States and also to the Member Secretaries of the Pollution Control Boards about collection, packaging and transportation of waste from M/s Hindustan Insecticides Limited.
  10. The Chief Secretaries and Secretaries (Environment) of all the States and Member Secretaries of the Pollution Control Boards shall ensure that necessary instructions are issued to the concerned agencies for facilitating transportation of the waste from Cochin to Pithampur in the State of Madhya Pradesh and all the agencies shall abide by such instructions.
  11. It is expected that the Central Government will strictly adhere to the time schedule indicated in the chart made available by the learned Additional Solicitor General.
  12. The Central Pollution Control Board shall give an intimation to its counter part in the State of Madhya Pradesh about the approximate date on which the incineration is likely to commence. This would enable the authorities of the Madhya Pradesh Pollution Control Board to depute their officers at the site.
  13. Shri Vijay Panjwani, learned counsel representing the Central Pollution Control Board states that the process of incineration is likely to be completed within two weeks of arrival of the waste at Pithampur.
  14. For further directions, the case be listed on 8.5.2013.
  15. The Registry is directed to send copies of this order by fax to the Chief Secretaries and Secretaries (Environment) of the Governments of Madhya Pradesh, Kerala, Andhra Pradesh, Tamil Nadu, Karnataka, Maharashtra and Chhattisgarh.
  16. Copies be also sent to the Member Secretaries of the State Pollution Control Boards of Madhya Pradesh, Kerala, Andhra Pradesh, Tamil Nadu, Karnataka, Maharashtra and Chhattisgarh.

| (Parveen Kr.Chawla)  
| Court Master  
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| | (Phoolan Wati Arora)  
| | Court Master  
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