

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)

(for directions and clarification and office report)

WITH

SLP(C)No.16175 of 1997

(with appln.(s) for ex-parte stay)

(for final disposal)

C.A.No.7660 of 1997

(with office report)

(for final disposal)

WITH

Conmt.Pet.(C)No.155/2005 in W.P.(C)No.657/1995

(with appln.(s) for directions and office report)

Date: 28/08/2012 These Petitions were called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE J. CHELAMESWAR

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For Bhopal Group
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CA 7660/1997

Mr. K.K. Gupta, AOR

CA 7660/1997	Mr. Pramod Dayal, AOR
CA 7660/1997	Mr. Sushil Kumar Jain, AOR
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For Director Environment, State of Goa	Mr. Bhavanishankar V. Gadnis, Adv. Mr. A. Raghunath, AOR.

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

1. By our last order dated 13th August, 2012, we had given certain directions with regard to the availability of potable drinking water to the inhabitants of the area surrounding the Union Carbide factory at Bhopal.

2. On Mr. Panjwani's submissions that the Central Pollution Control Board had made various requests to the Indian Institute of Toxicology Research (IITR), Lucknow, U.P., we had directed notice to issue to the said Institute to explain as to why such report has not been filed. Unfortunately, it appears that such notice was not served to the Institute, but despite the same, on a communication given by Mr. Panjwani, the Institute is represented and learned advocate has appeared today and has prayed for leave to file his vakalatnama on behalf of the Institute. Such prayer is allowed. It has also been submitted by the learned advocate that the Institute has not been able to file its Report with regard to the ground water contamination in the factory premises itself because of the fact that its representatives have been denied access to the factory by the State Pollution Control Board, despite various requests having been made by the Institute in that regard.

3. Having regard to the above, we direct the State Pollution Control Board to give access to the representatives of the aforesaid Institute to enter the factory premises with the purpose of drilling and taking samples from within the factory premises.

4. Let this matter be adjourned till 25th September, 2012, to enable the Institute to take samples immediately and to file its report. For the purpose of assisting the representatives of the Institute, in locating areas from which samples may be taken, the representatives of the Bhopal Group for Information and Action, will be entitled to accompany the representatives of the Institute.

5. The State Pollution Control Board and the State Government shall take immediate steps to see that this order is implemented.

| (Sheetal Dhingra)
| COURT MASTER

| | (Juginder Kaur)
| | Assistant Registrar

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