

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 & 63

IN
WRIT PETITION (C) NO.657 OF 1995

RESEARCH FOUNDN. FOR SCIENCE Petitioner(s)
VERSUS

U O I & ANR. Respondent(s)

(With appln(s) for directions and clarification and and office
report)

Date: 13/08/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Sanjay Parikh, AOR
Mr. A.N. Singh, Adv.
Ms. Mamta Saxena, Adv.
Ms. Bushra Praveen, Adv.

SLP 16175/1997 Ms. B. Vijayalakshmi Menon, AOR

CA 7660/1997 Mr. P. Parmeswaran, AOR

CP (C) 155/2005 BY POST

For Respondent(s) Mr. Anil Kumar Jha, AOR
Mrs. Manik Karanjawala, AOR
Mr. K.B. Rohtagi, AOR
Ms. Hemantika Wahi, AOR
Ms. Jesal, Adv.
Mr. Ashok Mathur, AOR
Mr. Shakil Ahmed Syed, AOR

For U.P. Pollution Control Board Mr. Pradeep Misra, AOR
Mr. Suraj Singh, Adv.

For State of Bihar Mr. Gopal Singh, AOR
Mr. Samil Ali Khan, Adv.
Mr. Chandan Kumar, Adv.

For Sate of Tripura Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.

For State of Manipur Mr. Khwairakpam Nobin Singh, AOR
Mr. Sapan Biswajit, Adv.

For State of Mr. Anil Shrivastava, AOR

Mr. Ashish Wad, Adv.
Mrs. Tamali Wad, Adv.
Ms. Kanika Bhutani, Adv.
M/s. J.S. Wad & Co.

Ms. Vibha Datta Makhija, AOR

Mr. Gaurav Agrawal, AOR

Ms. Binu Tamta, AOR

Mr. Ashwani Bhardwaj, AOR

Mr. E.C. Agrawala, AOR

Mr. R. Sathish, AOR

Mr. Jay Savla, AOR

Mr. A. Raghunath, AOR

Mr. Ravinder Kumar, AOR

Mr. T.S. Doabia, Sr. Adv.

Ms. Sunita Sharma, Adv.

Mr. S.S. Rawat, Adv.

Ms. Sadhna Sandhu, Adv.

Mr. D.S. Mahra, AOR

Ms. Anitha Shenoy, AOR

Mr. Mohanprasad Meharia, AOR

For OSPCB

Mr. Ashok Kumar Panda, Sr. Adv.

Mr. Satyabrata Panda, Adv.

Mr. Rutwik Panda, AOR

For State of
Mizoram

Mr. Pragyan P. Sharma, Adv.
Ms. Mandakini Sharma, Adv.

Mr. Rupesh Gupta, Adv.

Mr. Gautam Dhamija, Adv.

Mr. S. Muthu Krishnan, Adv.

Mr. P.V. Yogeswaran, AOR

Mr. Dharam Bir Raj Vohra, AOR

For Official
Liquidator

Mr. Manish Kr. Bishnoi, AOR

Ms. Meenakshi Vij, AOR

For Bhopal Group

Ms. Karuna Nundy, Adv.

for Information Ms. Aparna Bhat, AOR
and Action

CA 7660/1997

Mr. K.K. Gupta, AOR

CA 7660/1997

Mr. Pramod Dayal, AOR

CA 7660/1997

Mr. Sushil Kumar Jain, AOR

CP (C) 155/2005 Mr. M.J. Paul, AOR

CP (C) 155/2005 Mr. Sudarsh Menon, AOR

For CPCB

Mr. Vijay Panjwani, AOR

For SCMC

Mr. Raj Panjwani, Sr. Adv.

For State of Rajasthan	Dr. Manish Singhvi, AAG Mr. Irshad Ahmad, AOR
	Mr. P.P. Malhotra, ASG Mr. Ashok Bhan, Sr. Adv. Mr. Sukhbeer Kaur Bajwa, Adv. Mr. Shailender Sharma, Adv. Mr. S.N. Terdal, Adv.
For State of Meghalaya	Mr. Ranjan Mukherjee, Adv. Mr. S. Bhowmick, Adv. Mr. S.C. Ghosh, Adv.
For State of Haryana	Mr. Manjit Singh, AAG Mrs. Vivekta Singh, Adv. Mr. Kamal Mohan Gupta, AOR
For Govt. of Puducherry	Mr. V.G. Pragasam, Adv. Mr. S.J. Aristotle, Adv. Mr. Praburamasubramanian, Adv.
For Dept. of Customs	Mr. Arijit Prasad, Adv. Mr. T.A. Khan, Adv. Mr. A.K. Sharma, Adv. Ms. A. Subhashini, Adv.
For State of Sikkim	Mr. A. Mariarputham, AG Mrs. Aruna Mathur, Adv. Mr. Yusuf Khan, Adv. Ms. Movita, Adv. Mrs. K. Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv. Mrs. Nimshim Washam, Adv.
For Director Environment, State of Goa	Mr. Bhavanishankar V. Gadnis, Adv. Mr. Raghunath, Adv.

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

One of the issues for which this matter has been listed today is for consideration of the question relating to supply of potable drinking water to the eighteen identified areas surrounding the Union Carbide Factory in Bhopal, M.P.

On 3rd May, 2012, when the matter was taken up, the issue relating to supply of potable drinking water was not confined to Bhopal only, but also to the areas in and around Wapi and Ankleshwar in Gujarat. As far as Wapi and Ankleshwar is concerned, Ms. Hemantika Wahi, learned counsel appearing for the State of Gujarat, has filed an affidavit with regard to the steps taken in that regard. Mr. Sanjay Parikh, learned Advocate appearing for the Research Foundation for Science, prays for two weeks' time to file his response to the same. Accordingly, two weeks' time is granted to the Research Foundation, to file its response to the affidavit filed on behalf of the State of Gujarat.

Apart from the above, we were also of the view that as far as Bhopal is concerned, there should be a Monitoring Committee to oversee the part of the work, which is being undertaken by the Bhopal Municipality for providing fresh drinking water to the eighteen affected areas near the Plant. Accordingly, we had

constituted a Committee with the Executive Chairman of the Madhya Pradesh State Legal Services Authority as the Chairperson of the Committee, which was to include various other persons, who were concerned with the implementation of the scheme. The Member Secretary of the Madhya Pradesh State Legal Services Committee, Mr. Anurag Shrivastava, who was also included as a member of the said Committee, is present in Court today and has filed the Report of the Committee, with certain recommendations and suggestions. The same is taken on record and copies thereof have also been made over to Ms. Vibha Datta Makhija, learned counsel appearing for the State of Madhya Pradesh, who undertakes to supply copies of the same to Mr. Sanjay Parikh, Mr. Vijay Panjwani, learned counsel appearing for the Central Pollution Control Board and Ms. Karuna Nundy, learned counsel appearing for the Bhopal Group for Information and Action, for their suggestions.

As far as the matter relating to payment of cost for incineration of waste oil, which is the subject matter of I.A. No.23 of 2005, is concerned, a letter has been filed on behalf of Mr. Dinesh Chandra, for two weeks accommodation. Since the matter is being adjourned for two weeks, to enable Mr. Sanjay Parikh to file his response to the affidavit filed by Ms. Hemantika Wahni, let this matter stand adjourned till 27th August, 2012, and let it be taken up immediately after the 'After Notice Matters'.

With regard to Ms. Vibha Datta Makhija's prayer for extension of time by three months to implement the scheme, having regard to the climatic conditions prevailing in Bhopal, we allow the same, but sincerely hope that no further extension will be requested for implementing the said project.

Let all the connected applications, along with I.A. No.63 of 2012, a copy of which has already been submitted to Mr. Ashok Bhan, learned senior counsel appearing for the Union of India, come up on the said date (27.08.2012), with liberty to the respondents to file their counter affidavits in the meantime.

Mr. Vijay Panjwani, learned counsel appearing for the Central Pollution Control Board, has brought to our notice that with regard to the contamination of the ground water, a report had been requested from the Indian Institute of Toxicology Research (IITR), Lucknow, U.P., as far back as on 24th January, 2012, but till date such report has not been filed. Let notice issue to the said Research Institute, returnable on the next date (27.08.2012), in order to explain as to why such report has not yet been submitted in a matter of such grave concern to the inhabitants of the area.

Mr. Sanjay Parikh, learned counsel appearing for the Research Foundation for Science, is requested to take steps to serve the Indian Institute of Toxicology Research (IITR), Lucknow, U.P., by way of Dasti service, with the help of Ms. Karuna Nundy, learned counsel appearing for the Bhopal Group for Information and Action.

Let the matter relating to providing of fresh potable drinking water to the eighteen identified areas, be next listed on 26th November, 2012, for reporting compliance.

|(Chetan Kumar)
|Court Master

|(Juginder Kaur)
|Assistant Registrar