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W.P(C)No. 1056 OF 1990
ITEM No. 1

Court No. 9

SECTION PIL

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

I.A. NO. 2 & 17 & 18, 19 In Writ Petition(Civil) No.1056/1990

INDIAN COUNCIL FOR ENVIROLEGAL ACTION & ORS. Petitioner (s)

VERSUS

UNION OF INDIA & ORS. Respondent (s)

(For directions and Office Report)

With T.P.(C) No.172/96 and 494/97 (With appln. for intervention)
(for final disposal) (With appln. for stay and office report)

Date : 06/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.P. MISRA
HON'BLE MR. JUSTICE N. SANTOSH HEGDE

For Petitioner (s) : Ms. Seema Midha,Adv. for
in WP(C)1056/90 Mr. K.R. Rajasekaran Pillai,Adv.

in TP(C)172/96 Mr. P. Niroop, Adv.
Mr. A.P. Sinha, Adv.
Ms. Nandini Gore, Adv.

For appearing parties :

UOI : Mr. S. Wasim A. Qadri,Adv.
Mr. Krishna Mahajan, Adv.
Mr. Bipul Kumar, Adv.
Mr. C. Radhakrishna, Adv. for
Mrs. Anil Katiyar, Adv.

State of A.P. : Ms. K. Amareshwari, Sr. Adv.
Mr. Anil Kumar T, Adv.

CPCB : Mr. Vijay Panjwani, Adv.

APPCB : Mr. Nikhil Nayyar, Adv. for
Ms. Urmila Sirur, Adv.

in TP(C)494/97 : Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. B. Partha Sarthy, Adv.

Patencheru Enviro- : Mr. Attar Singh, Adv.
tech Ltd.

Reliance Cellulose : Mr. Manish Kmumar, Adv.
Product Ltd. Mr. C. Mukhopadhaya, Adv. for
Mr. Rakesh K Sharma, Adv.

Asian Paints : Mr. Rajiv Shakhder, Adv.
Mr. P.B. Suresh, Adv.
Mr. Vipin Nair, Adv.

Novopan Ind. Ltd. : Mr. U.A. Rana, Adv.
Ms. Shally Kumar, Adv.
Ms. Shalini Mittal, Adv.
for Gagrat & Co., Adv.

for default Ind. : Mr. G. Venkatesh, Adv.
for S.M.S. Ms. N. Annapoorni, Adv.

: Mr. Guntur Prabhakar, Adv.

: Mr. T.N. Rao, Adv.
Mr. P.P. Singh, Adv.

: Mr. S. Udaya Kumar Sagar, Adv.

: Mr. A. Subba Rao, Adv.

: Mr. V.G. Pragasam, Adv.

: M/s. L.P. Aggarwalla & Co., Adv.

: Mr. Krishna Kumar, Adv.

: Mrs. Nanita Sharma, Adv.

: Mr. N. Sudhakaran, Adv.

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

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Let this case be listed on or after 13th
March, 2001 when this Bench sits next.
I.A.Nos.18 and 19@@
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The applicant shall also implead within one week
the other industries who are parties in the present
proceedings. Issue notice thereafter to them. In case
any counsel is appearing in these proceedings for the
said industries notice may be served on such learned
counsel. Office report in this regard may be filed
before the next date of hearing.

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(Ganga Thakur) (V.P. Tyagi)
P.S.to Registrar Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
I.A. NOS.2 & 17&18, 19@@
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IN

WRIT PETITION(C) NO.1056 of 1990@@
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Indian Council for Enviro Legal Action

Petitioner

Versus

Union of India & Ors.

Respondents

O R D E R@@
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On the 10th of October, 2000 we granted one more opportunity to all the parties to meet and consider the two proposals and finalise one of them. We further directed the Andhra Pradesh Pollution Control Board, hereinafter referred to as the Board, to file short affidavit to state which of the two proposals it considered feasible and possible to be executed. This affidavit was also to specify the period to be taken in completing the approved proposal. We further directed to state, which of the industries have yet not reached the permissible level of waste and not likely to reach within three months and the last direction was with reference to the disbursement of compensation by the District Judge. So far as the last direction, as per the office report, the District Judge has sent an interim report dated 6th December, 2000 with prayer to grant six months further time to facilitate him to submit the final report. We grant the said the months to the District Judge for placing the final report.

In terms of the said order the Board had filed its status report. All the concerned parties met to consider the feasibility of the alternative proposals made by the CEPT, Patanchery. The meeting was held on 20th October, 2000. According to the said report the committee discussed the alternatives in the light of the earlier orders passed by this Court and came to the conclusion that none of the alternative proposals were acceptable but the original first option of 18 km. pipe line was again approved. Annexure III of this Report finally deals with joint revised action plan for laying down this 18 km. pipe line project. It specifies the time frame within which this has to be achieved including its total cost. The matter referred at Serial No.1 of this Annexure, is the EIA report for the pipe line project identifying the competent agency, awarding work, stating of the agencies as per terms and conditions. This was to be completed by January, 2001. We are informed a final report is likely to be submitted shortly. As per this joint revised action plan, the entire scheme would be completed by August, 2002.

This scheme also envisages the proportionate costs to be born by the polluting industries, State Government and the Financial Institutions. On behalf of the polluting industries we are informed, towards this they have already deposited rupees two crore out of their 1/4th share. So far the State Government, learned counsel appearing for the State could not state as to by what time the State Government would be able to deposit their share and within what time it would be able to get sponsoring from the financial institutions for the

deposit of their share for the lack of instruction. This is important, since the proposed joint action specifies fixed time frame for completing it, any delay on behalf of the State would badly affect this project. We hope and trust the State by the next date fixed will clearly state the time within which it would be able to do it, keeping in view of the time frame specified in this report.

So far laying down of the pipe line, is a matter of long term control of pollution but as a short time measure we have already directed the industries to minimise their pollution. According to the aforesaid status report the 15 industries which are referred in Annexure IV have achieved the permissible level of discharge which only requires further continuous monitoring for maintaining the environmental discipline. There are 85 industries as per Annexure V.

Annexure 1 of the additional affidavit which have already achieved 20% hydraulic reduction or would be able to do so within the next three months. The members of CETP Patancheru included in this list achieved inlet standard of 15,000 MG/L of COD/TDS regularly.

Annexure VI contains the list of 14 industries which have been closed/sick due to business reasons. The recommendations with reference to these industries are that this should not be permitted to be reopened by the State Government at the present location as all of them except one are covered under Red/Orange Category of polluting industries. The Annexure VII contains the list of 18 industries who despite the enforcement measures taken and notices issued remained as the defaulting category. These are recommended and ordered for closure till such time they reach both the permissible discharge standards as also hydraulic reduction. The said 18 industries are referred in Annexure A2 of the additional affidavit. As per the Annexure the industries at Serial Nos. 1,2,3,4,5,6,14,16 and 17 are the industries which are already closed. In respect of the other industries closure order has already been issued until those industries bring their waste to the permissible norms as per joint action plan. So far as the aforesaid 85 industries referred in Annexure V, the Board will submit a fresh report on the completion of the three months which would be ending by 27th February, 2001 regarding the progress made by those industries, who were yet to complete the approved standard, in case any industry still remains yet to reach the fixed standard should be specifically mentioned.

Another issue raised is with reference to the waste minimisation by the polluting industries. This matter referred in the earlier report of the Board dated 8th July, 2000, wherein the proposal is to mandate environmental certification under ISD 14001 for the large/medium industries operating in district Amberat and Patancheru. This Waste Minimisation practice is to minimise this waste as well as to increase the production if such increase or expansion does not add to the pollution load at the point of generation. For obtaining this certification learned counsel appearing for the polluting industries sought time to seek instructions and if necessary file a reply. So we defer the matter to be considered on the next date of hearing.

Another matter referred in this report dated 8th July, 2000 is with reference to CTEP conforming to the

standard under Joint Action plan before the discharge. According to this report, CETP is to reach the standard of TDS 3000/NG/L. Learned counsel appearing for polluting industries for this also sought time to obtain instructions and to file reply if necessary. The Central Pollution Control Board will also file specific reply pertaining to this issue by the next date of hearing as to what standard is being followed and what it proposes to follow. If any notification has been issued, the same may also be annexed. This takes us to the last point which has also been referred in the said report dated 8th July, 2000 with reference to the treatment and dilution at Amberpet-STP. According to the report; "Keeping the above in view the Committee recommended that while preventive measures of hydraulic load reduction, waste minimisation along with evaporation/recovery is enforced by the APPCB among the industries i.e. the pipeline option-1 should be pursued in the context of further treatment and dilution the Amberpet-STP should be expanded and upgraded with secondary and tertiary treatment facilities to treat and dispose mainly organic and nutrient rich sewage into the Musti river.

Except for this recommendation there is no specified plan for upgrading and expanding through secondary or tertiary treatment facilities. In this respect we desire specific reply to be filed by the State Government. Learned counsel for the State to file reply in this regard by the next date fixed, including the shortest time within which this would be done including making available the total cost for completing this and availability for this fund. All the said reports along with affidavits by the parties to be filed by or before 3rd March, 2001. Since the State Government is vitally concerned and involved in this project any delay affects its subject at large. We find that the State counsel normally lacks the instructions when the matter is taken up, it would be proper that on the next date, some responsible officer of the State is also present to assist the State counsel. Let this case be listed before us on or after 13th March, 2001 when this Bench sits next. I.A. Nos. 18 and 19 The applicant shall also implead within one week the other industries who are parties in the present proceedings. Issue notice thereafter to them. In case any counsel is appearing in these proceedings for the said industries notice may be served on such learned counsel. Office report in this regard may be filed before the next date of hearing.

.....J.
(A.P. Misra)

New Delhi.
February 6, 2001

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(N. Santosh Hegde)