

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.888 OF 1996

ALMITRA H. PATEL & ANR

Petitioner(s)

VERSUS

U.O.I. & ORS.

Respondent(s)

(With appln(s) for directions, intervention, interim Relief and office report)

With S.L.P. (C) No.22111 of 2003

(With prayer for interim relief and office report)

Date: 06/05/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Mr. Sanjiv Sen,Adv.

In WP 888/1996:

Mr. Vivek Sharma,Adv.

Ms. Manik Karanjawala,Adv.

In SLP 22111/2003:

Mr. S.U.K. Sagar,adv.

Ms. Bina Madhavan,Adv.

Mr. Susan Zachariah,Adv.

Mr. A. Venayagam,Adv.

for M/s. Lawyer'S Knit & Cos.,Advs.

For Respondent(s) M/s. J.B. Dadachanji & Co.,Adv. (N/P)

For State of Goa: Ms. A. Subhashini,Adv.

Mr. Ashok K. Srivastava ,Adv

For Rajasthan: Mr. Aruneshwar Gupta,AAG.  
Mr. Naveen Kumar Singh,Adv.  
Ms. Shivangi,Adv.

For MOEF: Mr. Vikas Sharma,Adv.  
Ms. Anil Katiyar,Adv.

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Mr. S.K. Gambhir,Sr.adv.  
Mr. M.P. Jha,Adv.  
Mr. Ram Ekbal Roy,Adv.  
Mr. Harshvardhan Jha,Adv.  
Mr. Anil K. Chopra,Adv.  
Mr. Ashok Mathur,Adv.

For Bihar: Mr. B.B. Singh,Adv.

For Intervenors: Ms. Aparna Bhat,Adv.  
Mr. P. Ramesh Kumar,Adv.  
Mr. Bharat Sangal,Adv.

For Gujarat: Ms. Hemantika Wahi,Adv.  
Mr. Abhishek Mishra,Adv.

For CPCC: Mr. D.N. Goburdhan,Adv.  
Mr. Mukesh Verma,Adv.  
Mr. Manish Shanker,Adv.  
Mr. Devendra Singh ,Adv

For Tripura: Mr. Gopal Singh,Adv.  
Mr. Rituraj Biswas,Adv.

For NCT of Delhi: Mr. S.W.A. Qadri,Adv.

Ms. Anil Katiyar,Adv.

Mr. H.K. Puri,Adv.

Mr. Ujjwal Banerjee,Adv.

Mr. S.K. Puri,Adv.

Ms. Priya Puri,Adv.

Mr. Shiv Gupta,Adv.

Mr. V.M. Chauhan,Adv.

Mr. H.S. Parihar,Adv.

Ms. Indu Malhotra,Adv.

For Orissa SPCB: Mr. Janaranjan Das,Adv.

Mr. Swetaketu Mishra,Adv.

Ms. Moushumi Gahlot,Adv.

Ms. Smruti Rekha Mohanty, Adv.

Mr. K.B. Rohtagi,Adv.

Ms. Aparna Rohatgi Jain,Adv.

Mr. Mahesh Kasana,Adv.

Mr. K.R. Nagaraja ,Adv

For U.T. Chandigarh: Ms. Kamini Jaiswal ,Adv

Ms. Shomila Bakshi,Adv.

Mr. M.N. Shroff,Adv.

Mr. Chirag M. Shroff,Adv.

Mr. M.S. Girish,Adv.

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Mr. V.B. Saharya,Adv.

for M/s. Saharya & Co.,Advs.

For Karnataka:

Mr. Sanjay R. Hegde,Adv.

Mr. Anil K. Mishra,Adv.

Mr. A. Rohen Singh,Adv.

Mr. Pradeep Misra,Adv.

Mr. R.K. Maheshwari,Adv.

Mr. S.C. Patel,Adv.

For Madhya Pradesh: Mr. B.S. Banthia,Adv.

Mr. S.K. Agnihotri,Adv.

Ms. Urmila Sirur,Adv.

For CPCB & KSPCB:

Mr. Vijay Panjwani,Adv.

For T.N.SPCB:

Mr. R. Ayyam Perumal,Adv.

Mr. S. Vallinayagam,Adv.

For Punjab:

Mr. R.K. Rathore,AAG., Pb.

Mr. S. Krishnaraj, Adv.

Mr. Arun Kumar Sinha,Adv.

For Orissa:

Ms. Kirti Mishra,Adv.

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

Mr. A.D.N. Rao,Adv.

Mr. V.K. Verma,Adv.

Mr. Shreekant N. Terdal,Adv.

For WBSCB, Govt. of Mr. R. Mohan, ASG

Pondicherry &

Mr. V.G. Pragasam,Adv.

Pondicherry Poll.Con.

Mr. Jana Kalyan Das,Adv.

Board

For Uttaranchal:

Mr. Mukesh Verma, Adv.

Pollution Control

Mr. Manish Shanker, Adv.

Board & MPCB

Mr. Yash Pal Dhingra,Adv.

Mr. Mahinder Singh Dahiya,Adv.

For Himachal Pradesh:

Mr. J.S. Attri,AAG.



Ms. Aparna Bhat,Adv.

For Jharkhand:

Mr. Gopal Prasad,Adv.

Ms. Pinky Anand,Adv.

Mr. Arvind Kumar Gupta,Adv.

For Assam:

Ms. Krishna Sarma,Adv.

Mr. V.K. Sidharthan,Adv.

Ms. Amrita Bhattacharya,Adv.

for M/s. Corporate Law Group,Adv.

For Haryana:

Mr. Manjit Singh,Adv.

Ms. Vivekta Singh,Adv.

Mr. Harikesh Singh,Adv.

Mr. Ajay Siwach,Adv.

Mr. T.V. George,Adv.

Ms. Kavita Wadia,Adv.

For Chhattisgarh:

Ms. Suparna Srivastava,Adv.

Mr. Rajesh Srivastava ,Adv

Mr. Rahul Srivastava,Adv.

For Uttar Pradesh:

Mr. Ravi P. Mehrotra,Adv.

Ms. Alka Agarwal,Adv.

Mr. Garvesh Kabra,Adv.

Mr. Kamendra Mishra ,Adv

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For Andhra Pradesh: Mr. Manoj Saxena,Adv.

Mr. Amit Meharia,Adv.

Mr. S.K. Mitra,Adv.

Mr. Debojit Borkakati,Adv.

Mr. Mohanprasad Meharia ,Adv

For Nagaland:

Mr. U. Hazarika,Adv.

Ms. Sumita Hazarika ,Adv

Mr. Satya Mitra,Adv.

For N.D.M.C. : Mr. Pawan,Adv.  
Ms. Kavita Wadia,Adv.

For Kerala: Mr. K.R. Sasiprabhu  
Ms. G. Indira,Adv.

For Assam P.C.B. : Mr. Kailash Vasdev,Sr.Adv.  
Mr. Prateek Kumar,Adv.  
Ms. V.D. Khanna,Adv.

For Uttaranchal: Mr. Avatar Singh Rawat,AAG.  
Mr. J.K. Bhatia,Adv.  
Ms. D. Bharathi Reddy,Adv.

For Karnataka SPCB: Mr. G.V. Chandrasekhar,Adv.  
Mr. P.P. Singh,Adv.

For Sikkim: Mr. A. Mariarputham,Adv.  
Ms. Aruna Mathur,Adv.  
Mr. Anurag D. Mathur,Adv.  
for Arputham, Aruna & Co.,Adv.

For Govt. of NCT of  
Delhi (Urban Dev.) Ms. Geeta Luthra,Adv.  
Mr. D.N. Goburdhan,Adv.  
Ms. Pinky Anand,Adv.

For BMC: Mr. Pallav Sishodia, Adv.  
Mr. D.N. Mishra,Adv.  
Mr. Hemant Sharma,Adv.  
Mr. Rakesh Khatana,Adv.  
Mr. Tara Chandra Sharma,Adv.

UPON hearing counsel the Court made the following

O R D E R

The petitioners in support of prayers made in In terlocutory

Application No.14 of 2004, inter alia, seeking directions against the

Central Government to forthwith stay the sanction of any further subsidy in respect of proposed and future Municipal Waste to

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Energy Projects and further direction to the Central Government to constitute an independent Non-Governmental Review Committee of Experts to inspect the functioning and record of the Lucknow and Hyderabad Plants and assess performance against initial expectation and projections as also to assess process viability through energy-balance, mass-balance and water-balance calculations has brought to our notice a News Item published by The Times of India on 21st December, 2004. The said News report states that 839 million Municipal Solid Waste Treatment Plant in Lucknow has been abandoned due to insufficient supply of organic waste by Lucknow Municipal Corporation [Corporation]. It also states that according to the Chief of the Corporation the plant has not been abandoned, rather the workers have gone on a lock-out. From that report, it does appear that the generation of electricity has dipped to a mere 0.3 M.W. to 0.5 M.W. When the plant was commissioned, the projection was that it would generate 5 M.W. of electricity using bio-degradable waste.

Under the aforesaid circumstances, we hope that till the position is clear, the Government would not sanction any further subsidies. Meanwhile, within two weeks, the Central Government shall constitute a Committee of Experts and include therein Non-Governmental Organisations as well, to inspect the functioning and record of the Lucknow plant and file a Report before this Court. The petitioners may suggest the names of Non-Governmental Organisations, which may be considered for being included in the Expert Committee, to Mr. A.D.N. Rao, learned counsel appearing for the Central Government. Due regard would be given to the suggestions made, while constituting the Committee. The Report along with affidavit on the aforesaid aspect shall be filed

within eight weeks.

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Mr. Rao seeks leave to place on record the Report of the Inter-ministerial Task Force. Let the same be filed within one week.

The writ petition and the special leave petition are adjourned.

[ T.I. Rajput ]

[ V.P. Tyagi ]

Court Master

Court Master