

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.888/1996@@
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ALMITRA H. PATEL & ANR

Petitioner (s)

VERSUS

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Respondent (s)

(With appln. for interim relief and exemption from filing O.T.
and intervention)

Date : 21/11/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s)

Ms. Kavin Gulati, Adv.
Mr. R N Karanjawala, Adv.
Ms. Nandini Gore, Adv.
Mr. Hrishikesh Baruah, Adv.
Mrs Manik Karanjawala, Adv.

Petitioner No. 1 in person.

For Respondent (s)

Mr. H N Salve, S.G.
Mr. A D N Rao, Adv.
Ms. Anil Katiyar, Adv.
Mr. S N Terdol, Adv.
Mr. D S Mehra, Adv.

Mr. T R Andharujina, Sr. Adv.
Ms. Minoo Siodia, Adv.
Mr. S H Ujjainwala, Adv.
Mr. D N Mishra, Adv. for
M/s J.B. Dadachanji & Co.

For State of Karnataka

Mr. Sanjay R. Hegde, Adv.
Mr. Satya Mitra, Adv.

For State of Sikkim

Mr. A Mariarputham, Adv.
Ms. Aruna Mathur, Adv.
Mr. Anurag D. Mathur, Adv.

For State of A.P.

Mr. T V Ratnam, Adv.

For State of Meghalaya

Mr. Ranjan Mukherjee, Adv.

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For State of Kerala Mr. Ramesh Babu M.R., Adv.

For State of Nagaland Mr. Sanjay K. Shandilya, Adv.
Ms. V D Khanna, Adv.

Mr. M.N. Shroff, Adv.

Mr. R.K. Maheshwari, Adv.

Mr. S.K. Agnihotri, Adv.

For Govt. of Mr. V.G. Pragasam, Adv.
Pondicherry & Pondicherry
Pollution Control Board

For Corporation of Mr. R. Mohan, Sr. Adv.
Chennai & West Bengal Mr. V.G. Pragasam, Adv.
Pollution Control Board

For State of Rajasthan Mr. Ranji Thomas, Adv.
Mr. Javed M. Rao, Adv.

For State of Maharashtra
Mr. V A Mohta, Sr. Adv.
Mr. S S Shinde, Adv.
Mr. S V Deshpande, Adv.

For State of U.P. Mr. Ajay K. Agrawal, Adv.
Mr. Y P Singh, Adv.
Ms. Sangeeta Sharma, Adv.

Mr. H.S. Parihar, Adv.

Mr. Bharat Sangal, Adv.

Mr. K.R. Nagaraja, Adv.

Mr. T C Ray, Sr. Adv.
Mr. Bijan Kumar Ghosh, Adv.
Mr. L C Agarwall, Adv.

Mr. K.B. Rohtagi, Adv.

Mr. Prem Nath Malhotra, Adv.

Mr. Rakesh Uttamchadra Upadhyay, Adv.

Mr. K.S. Bhati, Adv.

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

Mr. K.K. Rai, Adv.

Mr. S.C. Patel, Adv.

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For C P C B Mr. Vijay Panjwani, Adv.

For State of Bihar Kumar Rajesh Singh, Adv.
Mr. B.B. Singh, Adv.
Mr. Shiv Sagar Tiwari, Adv.

For BCC Mr. B K Choudhary, Adv.
Mr. E.C. Vidya Sagar, Adv.
Mr. Jana Kalyan Das, Adv.
Mr. Pradeep Misra, Adv.
Mr. H.K. Puri, Adv.

For State of Arunachal Pradesh Mr. Anil Shrivastav, Adv.

For State of Tripura Ms. Vimla Sinha, Adv.
Mr. Rahul Singh, Adv.
Mr. Gopal Singh, Adv.

For Akhil Bhartiya Majdoor Congress Mr. Sanjay Parikh, Adv.
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Mr. L C Agrawala, Adv.
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Mr. P N Ramalingam, Adv.
Mr. Ashok Mathur, Adv.
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Mr. K. Ram Kumar, Adv.
Mr. G. Prakash, Adv.
Mrs Urmila Sirur, Adv.
Ms. Aparna Bhat, Adv.
M/s I.M. Nanavati Associates, Adv.
Mrs. Kirti Renu Mishra, Adv.
Mr. Ashok K. Srivastava, Adv.

For State of Goa Ms. A.Subhashini, Adv.
Mr. Shreekant N. Terdal, Adv.

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Ms. Indu Malhotra, Adv.
Mr. V B Saharya, Adv.
M/s Saharya & Co.

For NCT, Delhi Mr. D.N. Goburdhan, Adv.
 Ms. Pinky Anand, Adv.
 Ms. Geeta Luthra, Adv.

 Mr. Naresh K. Sharma, Adv.

For State of Punjab Ms. Jayshree Anand, AAG, Punjab
 Mr. G Sivabalamurugan, Adv.
 Mr. Rajeev Sharma, Adv.

For State of Haryana Mr. K P Singh, Adv.
 Mr. J P Dhanda, Adv.

For State of Assam Ms. Krishna Sharma, Adv.
 Ms. Asha G. NHair, Adv.
 Mr. V K Sidatharan, Adv. for
 M/s. Corporate Law Group.

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

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In response to this Court's order dated 24th September, 2001 an affidavit on behalf of Union of India has been filed by Mr. Vijay Dev, Director in the Ministry of Urban Development & Poverty Alleviation, New Delhi. The States of Maharashtra, West Bengal, Tamil Nadu, Karnataka and Gujarat as well as NCT of Delhi should, within three weeks, file their response to this affidavit and, in particular, these States should indicate whether for the purpose of cleaning the main cities including the metropolitan towns of Kolkata, Chennai, Mumbai, Ahmedabad, Bangalore, and Delhi they are willing to privatise, as suggested in this affidavit, or take such other action
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so as to ensure cleanliness in the city and, in particular, they should show cause as to why the accounts of the local authorities should not be changed from 'Cash Basis' to 'Double System of Accounting on Accrual Basis', which is the normal system of accounting envisaged even by the Companies Act. If financial discipline is adhered to by the States and the Local Bodies, the Solicitor General states that it will be easier to fund such projects which would ensure cleanliness in the cities, even if privatisation does not take place.

Let the affidavits be filed within three weeks by the respective counsel.
 List on 13th December, 2001.

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(Ramesh Chand)
 Court Master

(Kanchan Jain)
 AR-cum-PS