

IN THE SUPREME COURT OF INDIA

CIVIL APPELATE JURISDICTION

CIVIL APPEAL NO. 1136 OF 2010
 (@ SPECIAL LEAVE PETITION(C)NO.3665 OF 2010 @ CC NO.292)

STATE OF GUJARAT & ANR. ... APPELLANTS(S)

VERSUS

ALOK PRATAP SINGH & ORS. ... RESPONDENT(S)

WITH CIVIL APPEAL NO. 1137 OF 2010 @ SLP(C)NO.21936/2008

O R D E R

Permission to file SLP granted.

Leave granted.

The State of Gujarat has challenged the order(s) passed by the High Court of Madhya Pradesh in these appeals. About 315 M.T.s of waste lying at Union Carbide India Ltd. factory at Bhopal was sought to be incinerated at BEIL, Ankleshwar in Gujarat. The Madhya Pradesh State Pollution Control Board sought a direction from the High Court of M.P. to incinerate the waste at Ankleshwar in Gujarat. This was objected to by the State of Gujarat.

Notices were issued to the respondents. After series of deliberations with the counsel on either sides/parties and in view of the dispute between the two States on 19.01.2009, this Court requested the Union of India (Ministry of Chemicals & Fertilizers) to constitute/have a High Level meeting/committee to discuss with the representatives of the States of Gujarat and Madhya Pradesh and to find out some reasonable solution for the disputes. It was also indicated that the Committee so constituted may also take the

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advise of the Central Pollution Control Board and the State

Pollution Control Boards in arriving at an appropriate decision.

The task force which was constituted pursuant to the directions of

this Court had held a meeting on 05.01.2010 and took certain

decisions and a copy of the Minutes of the Meeting so held by the

task force has been produced before this Court and it is also to be

noticed therein that the Principal Secretary, Housing
and

Environment Department, Govt. of M.P., briefed the task force on the
status of operationalization of incinerator at TSDF, Pithampur and
the facility was to be ready by November, 2009 but it has been
delayed and under Section 5 of the Environment Protection Act, 1986

given directions to the operator of the incinerator at
TSDF

Pithampur for installation of Multi Effect Evaporator which involves
both cost and further delay; the Chairman of the Task Force had
requested the Senior Scientist of CPCB for his comments and it was
agreed that a conditional clearance would be given by CPCB for the
trial run and stabilization of incinerator at TSDF, Pithampur and
the whole process would be completed within a time bound schedule.

Learned counsel appearing for the State of Madhya Pradesh
submitted that necessary approval regarding the same would
be processed and granted by the appropriate authorities, including the
Director of Health and Safety, Indore, the Forest Department of the
State Government and a joint inspection by CPCB and the S
tate
Pollution Control Board would be conducted. After the completion of
the above task, the trial run permission will be given after the
stabilization work is over and the trial run will be conducted with

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other industrial waste. We record the same and we request the
appropriate authorities to comply with the above directions and the
appeals are accordingly allowed. No costs.

CPCB has also given the modified directions, which are
also to be complied with by the appropriate authorities.

.....CJI
(K.G. BALAKRISHNAN)

.....J.
(J.M. PANCHAL)

.....J.
(Dr. B.S. CHAUHAN)

NEW DELHI;

28TH JANUARY, 2010

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ITEM NO.2

COURT NO.1

SECTION IVA

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.1-2 in & Petition(s) for Special
(Civil)...../2009
(From the judgement and order dated 16/12/2008 in
2802/2004 of The HIGH COURT OF M.P. AT JABALPUR)

CC 292/2009
Leave to Appeal
WP No.

STATE OF GUJARAT & ANR.

Petitioner(s)

VERSUS

ALOK PRATAP SINGH & ORS.

Respondent(s)

(With appln(s) for permission to file SLP and prayer for
interim relief and office report)

WITH SLP(C) NO. 21936 of 2008
(With appln.(s) for vacating stay and with prayer for interim
relief and office report)

Date: 28/01/2010 These Petitions were called on for hearing
today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Petitioner(s) Mr.Tushar Mehta, AAG
Ms. Hemantika Wahi,Adv.

For Respondent(s) Dr.A.M.Singhvi,Sr.Adv.
Mr.Ravindra Srivastava, Sr.Adv.
Mrs. Shiraz Contractor Patodia,Adv.
Mr.Pankaj Singh, Adv.
Ms.Anusuya Sadhu Sinha, Adv.

Mr. B.S. Banthia ,Adv
Mr.Vikas Upadhyay, Adv.

Mr. T. Mahipal ,Adv(NP)

Mr.Dushyant Dave, Sr.Adv.
Mr. Abhinav Mukerji ,Adv
Ms.Bihu Sharma, Adv.

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Mr.H.P.Rawal, ASG
Mr.A.Deb Kumar, Adv.
Mr.S.N.Terdal, Adv.

Mr.R.K.Chaudhary, Adv.
For Mr.Aftab Ali Khan, Adv.

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

Permission to file SLP granted.

Leave granted.

The appeals are allowed, in terms of the signed
order. No costs.

(G.V.Ramana)
Court Master

(Veera Verma)
Court Master

(signed order is placed on the file)