

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. 376
 IN
 WRIT PETITION (CIVIL) NO. 13381 OF 1984

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.
(FOR DIRECTIONS)

Respondent(s)

WITH

I.A. NOS. 460, 482 & 483 IN W.P. (C) NO.13381/1984
(FOR DIRECTIONS AND PERMISSION TO FILE AFFIDAVIT)I.A. NO. 485 IN W.P. (C) NO.13381/1984
[FOR DIRECTIONS ON BEHALF OF M/S INDIAN OIL CORPORATION]I.A. NO.487 IN W.P.(C) NO.13381/1984
[FOR DIRECTIONS ON BEHALF OF TAJ WESTERN GATE MARKET
ASSOCIATION]I.A. NOS. 388, 488 & 489 IN W.P.(C) NO. 13381/1984
[FOR DIRECTIONS]

Date: 22/09/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE ANIL R. DAVEFor Petitioner(s) Mr. Krishan Mahajan, Adv (AC)
Petitioner-In-Person (N/P)For Applicant(s)
In I.A. 487 Mr. M.C. Dhingra, Adv.For Applicant
In IA 489 Mr. Ajay K. Agarwal, Adv.

For Respondent(s)

A.S.I. Mr. Annam D.N. Rao, Adv.
Ms. Neelam Jain, Adv.
Mr. K.K. Kota, Adv.

..2/-

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For State of UP Mr. P.N. Mishra, Sr. Adv.
Mr. T.N. Singh, Adv.
Mr. Rajeev Dubey, Adv.
Mr. Kamlendra Misra, Adv.Mr. H.K. Puri, Adv.
Ms. Priya Puri, Adv.
Mr. Amit Kumar Pathak, Adv.UPPCB Mr. Pradeep Misra, Adv.
Mr. Suraj Singh, Adv.

For CPCB Mr. Vijay Panjwani, Adv.
Mr. D.K. Thakur, Adv.

NCT of Delhi Mr. J.S. Attri, Sr. Adv.
in IAs.388,488 & 489 Ms. Asha G. Nair, Adv.
Ms. Gargi Khanna, Adv.
Mrs. Anil Katiyar, Adv.
Mr. D.S. Mahra, Adv.

For ITDC Mr. Nikhil Nayyar, Adv.

CBI/IOI Mr. Harish Chander, Sr. Adv.
Ms. Savitri Pandey, Adv.
Mr. A.K. Sharma, Adv.

Mr. M.N. Krishna Mani, Sr. Adv.
Mr. Saran Suri, Adv.
Mr. Gunjan Kumar, Adv.
Mr. M. Yogesh Kanna, Adv.

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

I.A. NO.485 IN W.P.(C) NO. 13381/1984

The application stands disposed of in
terms of the signed order.

I.A. NO.376 IN W.P. (C) NO. 13381/1984

A reply affidavit has been filed on behalf
of respondent Nos. 2 to 4, wherein several steps
taken for treatment of Bio-medical Waste have
been indicated.

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Mr. Krishan Mahajan, learned Amicus
Curiae, submits that insofar as the condition of
the drains in various hospitals, in particular,
Lady Loyal Mahila Hospital and S.N. Medical
College premises, there has not been any
substantial improvement. He has pointed out that
in Annexure to the Affidavit dated 23rd September,
2004, filed by the Health Secretary, the internal
drains in the aforementioned two medical colleges
need to be reconstructed anew as almost the
entire stretch is dilapidated to an irreparable
condition. He, therefore, submits that mere
repair of the said drains, as stated in the reply
affidavit, would not serve any purpose. Learned
counsel also points out that the hygiene levels
around the hospitals in the city of Agra still
continue to be in pitiable condition.

Before we issue further directions in this
behalf, we would direct the State of Uttar
Pradesh to re-inspect all the spots, which were
the subject matter of Inspection Report filed by
the learned Amicus Curiae in March 2003 and file
fresh photographs showing the existing conditions
in the areas concerned. The office is directed

to supply a copy of the said report to learned counsel for the State of Uttar Pradesh to enable him to get prepared a copy of the said report. Let the needful be done within six weeks.

Call the matter on 15th November, 2011 at 3.00 p.m.

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I.A. NO.487 IN W.P.(C) NO. 13381/1984

It is stated that a reply on behalf of Agra Development Authority has been filed. Let the same be traced out and put on the relevant file. A copy of the reply shall also be supplied to the learned Amicus Curiae.

List the application on 15th November, 2011 at 3.00 p.m.

I.A. NOS. 460, 488 AND 489 IN W.P. NO. 13381/1984

List the applications on 15th November, 2011 at 3.00 p.m.

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master

(ONE SIGNED ORDER IS PLACED ON THE FILE)
IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. NO. 485

IN

WRIT PETITION (CIVIL) NO. 13381 OF 1984

M.C. MEHTA ...PETITIONER

VERSUS

UNION OF INDIA & ORS. ...RESPONDENTS

IN THE MATTER OF

INDIAN OIL CORPORATION LTD. ...APPLICANT

ORDER

By this application, Indian Oil corporation

Limited (IOC) has sought the following orders:

"a. An order directing the Ministry of Environment and Forests to process the proposal for the expansion project of the applicant by giving suitable permissions and clearances including the issuance of the Terms of Reference for an Environmental Impact Assessment study;

b. Upon the receipt and acceptance of the report of the Environmental Impact Assessment study, direct the Ministry of Environment and Forests to accord clearance by issuing a suitable Environmental Clearance (EC) for Mathura Refinery expansion.

c. Pass such other order and further orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

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Mr. Gopal Subramaniam, learned Senior

Counsel and Mr. Parag P. Tripathi, the learned ASG, appearing for the applicant have referred us to the reports submitted by the Central Empowered Committee (CEC) and Ministry of Environment and Forests vide their report/letter dated 21st July, 2010 and 13th April, 2010 respectively.

Relying

on the said reports, learned counsel submit that since both the Expert Bodies have suggested that the Ministry of Environment and Forests may be permitted to take a decision regarding the grant of environmental clearance for expansion of Mathura Refinery, IOC may be permitted to pursue their proposal with the Authorities concerned.

Having perused the said reports, we find that there is no clear statement as to whether or not the expansion or modernization of the existing refinery is likely to have any adverse impact on Taj. However, bearing in mind the fact

that both the said authorities have recommended grant of permission to the Ministry of Environment and Forests to take a decision regarding the grant of environmental clearance for the expansion of the Mathura Refinery, we

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allow the Ministry of Environment and Forests to examine applicant's application and take a final decision thereon. It goes without saying that the proposal shall be considered keeping in view the Environmental Impact Assessment Notification, 2006.

We clarify that this order is being made solely with a view to facilitate the applicant to have its application processed so that if ultimately applicant's proposal is cleared by this Court, the project may be executed without unnecessary delay. Needless to add that the final clearance of the project would be subject to further orders by this Court upon receipt of final decision by all the authorities concerned.

The application stands disposed of in the above terms.

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(D.K. JAIN, J.)

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(ANIL R. DAVE, J.)

NEW DELHI
SEPTEMBER 22, 2011