

ITEM NO.8

COURT NO.3

SECTION XII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 31665/2011

(Arising out of impugned final judgment and order dated 11/05/2011 in WP No. 7444/2009 passed by the High Court Of Madras)

UNION OF INDIA &amp; ORS.

Petitioner(s)

VERSUS

MADRAS HIGH COURT PRACTG.ADV.ASSN.

Respondent(s)

(with appln. (s) for impleadment and interim relief and office report) (for final disposal)

WITH

S.L.P. (C)...CC No. 20393-20397/2011

(With appln. (s) for impleadment and appln. (s) for permission to file SLP and Office Report)

S.L.P. (C)...CC No. 20655-20659/2011

(With appln. (s) for permission to file SLP and appln. (s) for permission to place addl. documents on record and Office Report)

S.L.P. (C)...CC No. 7883-7884/2012

(With appln. (s) for permission to file SLP and Office Report)

SLP(C) No. 14239-14242/2014

(With appln. (s) for impleadment and appln. (s) for permission to place addl. documents on record and Office Report)

SLP(C) No. 14243-14244/2014

(With Office Report)

SLP(C) No. 14245-14251/2014

(With Office Report)

Date : 04/11/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For the appearing parties:

Mr. N.K.Kaul, ASG.  
Ms. Promila, Adv.  
Mr. S.Thananjayan, Adv.

Mr. Mohan Parasharan, Sr. Adv.  
Mr. Nikhil Swami, Adv.  
Ms. Divya Swami and  
Ms. Prabha Swami, Adv.  
Mr. Debal Banerji, Sr. Adv.  
M/s. Joydeep Mazumdar, V. Achutan,  
Rohit Dutta, S. Chattopadhyay and  
S. Jawaharlal and Ashwani Kumar, Adv.

Nr, Rakesh Dwivedi, Sr. Adv.  
Mr. B. Balaji, Adv.  
Mr. Utkarsh Kulvi, Adv.

M/s. Tushar Bakshi, Rashmi Malhotra,  
Ajay Singh, D.S. Mahra and R.K. Rathore, Adv.

Mr. Elephant G. Rajendran,  
(Caveator-in-person, Adv.)

Mr. V. Balaji, Adv.  
Mr. C.A. Sundaram Iyer, Adv.

M/s. S. Santanam Swaminadhan, Nishtha Khurana,  
Insha Mir, Vidya Nail and T. Anil Kumar, Adv.

Mr. Ananga Bhattacharyya, Adv.  
Mr. Mukund P. Unny, Adv.

Mr. S.K. Kulkarni, Adv.  
Mr. M. Gireesh Kumar, Adv.  
Mr. Ankur S. Kulkarni, Adv.

Mr. Ashok Kumar Juneja, Adv.  
Mr. Chand Qureshi, Adv.  
Mr. S.R. Setia, Adv.

Mr. Saurabh Mishra, Adv.

Mr. G. Umapathy, Adv.  
Mr. Rakesh K. Sharma, Adv.  
Mr. T. Balaji, Adv.  
Ms. R. Nekhala, Adv.  
Ms. S. Nithya, Adv.

Mr. Sanjay Kapur,Adv.  
Mr. Anmol chandan,Adv.

Mr. Aravindh S.,Adv.  
Mr. A.Lakshmi Narayanan,Adv.

Mr. Vijay Panjwani,Adv.(NP)

Mr. Anil Kumar Tandale,Adv.

Mr. Abhinav Mukerji,Adv.

Ms. Sudha Gupta,Adv.

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

Permission to file SLP in SLP(C)...CC  
Nos.20393-20397/2011, SLP(C)...CC Nos. 20655-20659/2011 and  
SLP(C)..CC No.7883-7884/2012 is granted.

Heard the learned counsel appearing for the parties  
and also perused the report submitted by the Empowered  
Committee.

Learned counsel appearing for the Port Trust,  
Chennai, has submitted that there are certain proposals  
which the Port Trust, Chennai, would like to put into  
practice whereby the pollution would be controlled and  
would be brought almost nil. It has been submitted by him  
if the said proposals are placed before the Empowered  
Committee and if the Empowered Committee is of the view  
that the proposals can in fact help the Port Trust,  
Chennai, in bringing down the pollution or removing the  
pollution, the Port Trust, Chennai, should be permitted to  
commence its activity with regard to handling of coal  
and iron ores at Chennai Port.

It has been submitted by the learned counsel appearing for other parties that they would like to make representations before the Empowered Committee and raise their objections before the Committee because according to them the proposals which might be put up by the Port Trust, Chennai, might not curtail the pollution.

Be that as it may, we permit the Port Trust, Chennai, to submit its proposals before the Empowered Committee so that after considering the objections, which might be raised by other parties, the Empowered Committee can come to a conclusion whether the proposals are just and proper and whether they would curtail the pollution as claimed by the Chennai Port Trust. Parties who desire to peruse the proposals shall collect a copy of the proposals from the Port Trust, Chennai.

After considering the proposals, which might be placed by the Chennai Port Trust and after considering the objections which might be raised before the Committee, the Committee shall submit its report and the Port Trust, Chennai, shall act in accordance with that. However, if any party has any objection to that conclusion, it would be open to the said party to approach the High Court.

The proposals shall be placed before the Empowered Committee within a fortnight from today and the objections shall be considered within two months thereafter and the final decision shall be taken by the Empowered Committee on

or before 31<sup>st</sup> March, 2016.

All the special leave petitions are, accordingly, disposed of.

As a sequel to the above, all the pending applications, if any, are disposed of.

(SUMAN WADHWA)  
AR-cum-PS

(SNEH BALA MEHRA)  
ASSISTANT REGISTRAR