

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Civil) No.31665/2011
(From the judgment and order dated 11/05/2011 in WP
No.7444/2009 of The HIGH COURT OF MADRAS)

UNION OF INDIA & ORS. Petitioner(s)

VERSUS

MADRAS HIGH COURT PRACTG.ADV.ASSN. Respondent(s)
(With appln.(s) for impleadment and with prayer for interim
relief and office report)

WITH

S.L.P.(C)...CC NO. 743-746 of 2012
[With appln. for c/delay in filing SLP and c/delay in refileing
SLP and permission to place addl. documents on record and
impleadment and office report)
S.L.P.(C)...../2012 CC 20393-20397/2011
(With appln(s) for permission to file SLP and impleadment and
office report)

WITH

S.L.P.(C)...CC NO. 20655-20659 of 2011
(For permission to file SLP and permission to place addl.
documents on record and office report)

S.L.P.(C)... CC No.4611/2012
[with appln. for c/delay in filing SLP and office report)

S.L.P.(C)... CC No.5560-5566/2012
(With ppln. for c/delay in filing SLP and office report)

Date: 02/04/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s)

SLP(C) 31665/11 Mr. T.S. Doabia, Sr. Adv.
Mr. Sunil Roy, Adv.
Ms. Rekha Pandey, Adv.
Mr. D.S. Mahra, Adv.

SLP(C)CC 743-746/12 Mr. Subramonium Prasad, Adv.
& SLP CC 5560-66/12 Ms. Shweta Majumdar, Adv.
Mr. Shyam D.Nandan, Adv.
Mr. Rajat Khatri, Adv.

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SLP CC 20393-20397/
2011 Mr. P.S. Narasimha, Sr. Adv.
Mr. Rohit Rao N., Adv.
Mr. Ananga Bhattacharyya, Adv.

SLP CC 20655-20659/
2011 Mr. Anil Kumar Tandale, Adv.
Mr. S. Santanam Swaminadhan, Adv.
Mr. Saurabh Gupta, Adv.

SLP CC 4611/12 Mr. S. Aravindh, Adv.
Mr. V. Ramasubramanian, Adv.

For Respondent(s) Mr. Elephant G. Rajendran, Adv.(N/P)
Caveator-In-Person

SLP(C)CC 743-746/12 Mr. G. Umapathy, Adv.
SLP CC 20393-97/11, Mr. Rakesh K. Sharma, Adv.
SLP CC 20655-59/11 Mr. S. Ramsubramanian, Adv.

SLP(C)CC 743-746/12 Mr. K. Parasaran, Sr. Adv.
SLP CC 20393-97/11 Mr. Nikhil Swami, Adv.
Ms. Prabha Swami, Adv.

Applicant in SLP(C)
31665/11 Mr. Nikhil Swami, Adv.
Ms. Prabha Swami, Adv.

State of T.N. Mr. S. Gurukrishnakumar, AAG
Mr. B. Balaji, Adv.
Mr. A. Prasanna Venkat, Adv.

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

Regard being had to the nature of
controversy involved in these cases, we feel that
with a view to appreciate the rival stands of the
parties, it would be appropriate and expedient to
call for a comprehensive report from an Empowered
Committee, on the following points:

1. The impact and extent of pollution

to the environment due to the handling of the
cargo in question, namely, dusty coal and iron
ore at the Chennai Port.

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2. Suggestions regarding remedial/
mitigative measures, which may be adopted at the
Chennai Port to remedy/reduce the pollution, if
any, caused by the handling of dusty cargo in
question.

3. Assessment of the standard of
facilities available at the Ennore Port to handle
dusty coal and iron ore cargo.

Accordingly, with the consent of the
learned counsel, we constitute the following
Empowered Committee:

1. Secretary to the Government of India,

Ministry of Shipping

2. Secretary to Government of India,
Ministry of Environment and Forests.
3. Chief Secretary,
Government of Tamil Nadu
4. Principal Secretary,
Department of Environment of Forests,
Government of Tamil Nadu.
5. A nominee of Tamil Nadu Pollution Control
Board.
6. A nominee of NEERI
7. A nominee of IIT, Madras

...4/-

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It is agreed that the Secretary to the Government of India, Ministry of Shipping, shall be the Convener of the Committee, who will issue appropriate directions as to the date, time and venue for the meetings, in consultation with the Chief Secretary, Government of Tamil Nadu, who shall make the requisite arrangements for the said purpose. Orders with regard to the payment of honorarium etc. to the Nominees of NEERI and IIT Madras shall be passed at the time of consideration of the report.

The Committee will be free to elicit the views of the contesting parties by issuing notice to them. The Committee is requested to submit its report as expeditiously as possible and in any case not later than 15th July, 2012.

List the matter for directions on 20th

July, 2012.

(VINOD LAKHINA) (KUSUM GULATI)
Court Master Court Master