

ITEM NO.10

COURT NO.5

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 Judicature at Madras)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

MADRAS HIGH COURT PRACTG.ADV.ASSN.

Respondent(s)

(With application for impleadment, interim relief and office report)

WITH

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

[BHORUKA STEEL & SERVICES LTD. V. AVOOR MUTHIAH MAISTRY STREET & ORS.]

(With application for permission to file SLP, impleadment and Office Report)

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

[M/S. UNITED STEVEDORES V. AVOOR MUTHIAH MAISTRY STREET RESIDENTS WELFARE]

(With application for permission to place additional documents on record, permission to file SLP and Office Report)

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

[TAMIL NADU [POWER PRODUCERS ASSOCIATION V. STATE OF TAMIL NADU & ORS.]

(With application for permission to file SLP and Office Report)

SLP(C) No. 14239-14242/2014

[CHAIRMAN, CHENNAI PORT TRUST, CHENNAI V. AVOOR MUTHIAH M.S. RESI. WELFARE ASSOCIATION & ORS. ETC.]

(With application for permission to place additional documents on record, impleadment and Office Report)

SLP(C) No. 14243-14244/2014

[M/S. SEAPORT LOGISTICS LTD. V. STATE OF TAMIL NADU & ORS.]

(With Office Report)

SLP(C) No. 14245-14251/2014

[CHAIRMAN, CHENNAI PORT TRUST V. AVOOR MUTHIAH MAISTRY STREET & ORS.]

(With Office Report)

Date : 31/03/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s)
in SLP 31665 Mr. D. S. Mahra, A.O.R.

In CC 20393-97 Mr. Tarun Gulia, Adv.
Mr. Ananga Bhattacharyya, Adv.

In CC 20655-20659 Mr. S. Santanam Swaminadhan, Adv.
Mr. Insha Mir, Adv.
Mr. Rahul Srivastava, Adv.
Mr. Anil Kumar Tandale, Adv.

In CC 7883-7884 Mr. Kamal Budhiraja, Adv.
Mr. Aman Gupta, Adv.
Mr. Abhinav Mukerji, Adv.

In CC 14239-242 Mr. Neeraj Kishan Kaul, A.S.G.
Ms. Promila, Adv.
Ms. S. Thananjayan, Adv.

In SLP 14243-44 Mr. Aravindh S., Adv.
Mr. A. Lakshmi Narayan, Adv.

In SLP 14245-251 Mr. Neeraj Kishan Kaul, A.S.G..
Ms. Promila, Adv.
Mr. S. Thananjayan, Adv.

For Impleader(s) Mr. Mohan Parasaran, Sr. Adv.
Mr. G. Umopathy, Adv.
Mr. Rakesh K. Sharma, Adv.
Ms. R. Mekhala, Adv.

For Respondent(s)
For State in all
the matters Mr. Rakesh Dwivedi, Sr. Adv.
Mr. B. Balaji, Adv.
Mr. R. Rakesh Sharma, Adv.
Mr. Utkarsh Kulvi, Adv.
Ms. R. Shase, Adv.

Mr. Elephant G. Gajendran
in person

For High Court of
Madras Mr. S. Guru Krishnakumar, Sr. Adv.

Mr. S.R. Setia, Adv.
Mr. A. Prasanna Venkat, Adv.
Ms. Sneha Ravi, Adv.

For TNPCB
Mr. Rakesh Dwivedi, Sr. Adv.
Mr. B. Balaji, Adv.
Mr. Rakesh Sharma, Adv.
Ms. R. Shase, Adv.
Mr. Utkarsh Kulvi, Adv.

For Chennai Port
Trust
Mr. Neeraj Kishan Kaul, A.S.G.
Ms. Promila, Adv.
Mr. S. Thananjayan, A.O.r.

For Royapuram RWA
Mr. Debal Banerji, Sr. Adv.
Mr. V. Achutan, Adv.
Mr. Joydeep Mazumdar, Adv.
Mr. Rohit Dutta, Adv.
Mr. Soumya Dutta, Adv.

For RR in SLP 31665
Mr. Mohan Parasaran, Sr. Adv.
Mr. Nikhil Swami, Adv.
Ms. Prabha Swami, Adv.

For RR in CC 20393-97
Mr. G. Umapathy, Adv.
Mr. Rakesh K. Sharma, Adv.
Ms. R. Mekhala, Adv.

For RR in CC 20655-59
Mr. R. Jawahar Lal, Adv.
Mr. Siddharth Baba, Adv.
Mr. Ashwani Kumar, A.O.R.

For RR 8 in CC 20656
Mr. Rakesh Kumar, Adv.

For RR 1 in CC 20657
Mr. G. Umapathy, Adv.
Mr. Rakesh K. Sharma, Adv.
Ms. R. Mekhala, Adv.

For RR 12 in CC 20657
[Hothur Traders]
Mr. S.K. Kulkarni, Adv.
Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, Adv.

For RR 7 In CC 20655-59
Mr. Sanjay Kapur, Adv.

Ms. Priyanka Das, Adv.
Ms. Shubhra Kapur, Adv.

For RR in CC 7883-84

Mr. G. Umapathy, Adv.
Mr. Rakesh K. Sharma, Adv.
Ms. R. Mekhala, Adv.

For RR 3 in CC 7883

Mr. Subramonium Prasad, Adv.

For RR 10 in CC 7883

Mr. M. Yogesh Kanna, Adv.
Mr. A. Santhakumaran, Adv.
Ms. Vanita Chandrakant Giri, Adv.

For RR 3 in CC 7884

Mr. Subramonium Prasad, Adv.

For RR 8 in CC 7884

Mr. M. Yogesh Kanna, Adv.
Mr. A. Santhakumaran, Adv.
Ms. Vanita Chandrakant Giri, Adv.

For RR in SLP 14239-42

Mr. Mohan Parasaran, Sr. Adv.
Mr. Nikhil Swami, Adv.
Ms. Prabha Swami, Adv.

For RR in SLP 14239-42

Mr. G. Umapathy, Adv.
Mr. Rakesh K. Sharma, Adv.
Ms. R. Mekhala, Adv.

For RR 9 in SLP 14240

Mr. S. Guru Krishnakumar, Sr. Adv.
Mr. S.R. Setia, Adv.
Mr. A. Prasanna Venkat, Adv.
Mr. Deepayan Mandal, Adv.

For RR 1 in SLP 14241

Mr. R. Jawahar Lal, Adv.
Mr. Siddharth Baba, Adv.
Mr. Ashwani Kumar, Adv.

For RR 11 in SLP 14241

[Hothur Traders]

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

For RR 6 in SLP 14242

Mr. Sanjay Kapur, Adv.
Mr. Anmol Chandan, Adv.
Ms. Priyanka Das, Adv.
Ms. Lekha Vishwanath, Adv.

For RR 9 in SLP 14243

Mr. S. Guru Krishnakumar, Sr. Adv.
Mr. S.R. Setia, Adv.
Mr. A. Prasanna Venkat, Adv.
Mr. Deepayan Mandal, Adv.

For Rr 8 in SLP 14244

Mr. S. Guru Krishnakumar, Sr. Adv.
Mr. S.R. Setia, Adv.
Mr. A. Prasanna Venkat, Adv.
Mr. Deepayan Mandal, Adv.

For RR 6 in SLP 14246

Mr. Sanjay Kapoor, Adv.
Mr. Anmol Chandan, Adv.
Ms. Priyanka Das, Adv.
Ms. Lekha Vishwanath, Adv.

For RR 11 in SLP 14247

[Hothur Traders] Mr. S.K. Kulkarni, Adv.
Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, Adv.

For RR 1 in SLP 14248

Mr. S. Guru Krishnakumar, Sr. Adv.
Mr. S.R. Setia, Adv.
Mr. A. Prasanna Venkat, Adv.
Mr. Deepayan Mandal, Adv.

For RR 2 in SLP 14249

Mr. S. Guru Krishnakumar, Sr. Adv.
Mr. S.R. Setia, Adv.
Mr. A. Prasanna Venkat, Adv.
Mr. Deepayan Mandal, Adv.

For RR 1 in SLP 14251

[Hothur Traders] Mr. S.K. Kulkarni, Adv.
Mr. M. Gireesh Kumar, Adv.
Mr. Ankur S. Kulkarni, Adv.

For Rr in SLP 14243-44

Mr. G. Umapathy, Adv.
Mr. Rakesh K. Sharma, Adv.

Ms. R. Mekhala, Adv.

For Rr 4 & 5 in
SLP 14239-42

Mr. Saurabh Mishra, Adv.
Mr. Aanshuman Upadhyay, Adv.
Mr. Dhanraj, Adv.

Mr. Joydeep Mazumdar, Adv.
Mr. V. Achutan, Adv.

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

Heard Mr. Neeraj Kishan Kaul, learned Additional Solicitor General appearing for the Chennai Port Trust, Mr. Rakesh Dwivedi, learned Senior Counsel for the State of Tamil Nadu, Mr. S. Guru Krishnakumar, learned senior counsel for the High Court of Madras, Mr. Mohan Parasaran, learned senior counsel for the impleaders-operators at Ennore and Mr. Elephant Rajendran, respondent in person.

The Report of the Empowered Committee appointed by this Court of June, 2014 was also placed before us to point out that there is no scope for retaining the operation of dust cargo in the existing Chennai Port. Nevertheless, Mr. Neeraj Kishan Kaul, learned Additional Solicitor General for the Chennai Port Trust would submit that the Chennai Port Trust is making efforts to come

forward with a fresh proposal to ensure that the Chennai Port Trust is converted into a Green Port conforming to the norms for operation of a Green Port supported by necessary technical scheme for creation of such a Port. Learned Additional Solicitor General, therefore, seeks twelve weeks' time to come forward with the said proposal for consideration by this Court.

We also note that after the impugned order of the Division Bench of the Chennai Port Trust, the handling of dust cargo at Chennai Port is stated to have been stopped and has been shifted to the Ennore Port Trust. In such a situation we see no reason as to why the prayer of the learned Additional Solicitor General should not be granted as a last chance to come forward with a concrete proposal providing for necessary technical inputs and demonstrate that even if dust cargo at Chennai Port Trust is handled, there will be 'nil pollution'. If any such Report is made ready the same shall be furnished in advance to the respective counsel at least two weeks prior to the next date of hearing so as to enable the

respondents to reply within two weeks thereafter.

List these matters on 22nd July, 2015.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER