

Pollution Control seeks leave to file the affidavit as directed by this Court on 24.1.2011 and the same is received in Court and taken on record.

Mr. V. Gopalasamy, Respondent No.1 in SLP(C)NO.28119/2010, files counter affidavit in regard to the report of the Central Pollution Control Board. The same is received in Court and taken on record.

The High Court, by the impugned order, has directed closure of the unit. On the other hand, the current report of the Central Pollution Control Board seems to suggest that subject to certain rectification/pollution control measures, the unit can continue. We

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have referred in our order dated 24.1.2011 to four specific areas, where there are serious deficiencies, pointed out by the Tamilnadu Pollution Control Board. The petitioner's counsel submits tht any pollution to the atmosphere is not because of petitioner's unit, but could be due to nearby Thermal Unit and SPIC and other industries. The PIL petitioners who are the respondents, on the other hand, contend that the pollution levels from petitioner's unit are very high, and closure of the unit is the only solution. We find that even NEERI, has given some conflicting reports in July, 2003 and March, 2005.

In view of the above, we are of the view that an independent assessment of the present

situation and condition of the unit of the petitioner, and its effect with reference to environmental pollution by NEERI, after a joint inspection with officials of Central Pollution Control Board, Tamil Nadu Pollution Control Board and the PIL petitioners, will help us to arrive at a decision. We accordingly appoint NEERI to make a pollution and environment impact assessment and submit their report.

The Registry is directed send a copy of this order to NEERI. Petitioner shall meet the expenses of NEERI in regard to the investigation and assessment. Pending receipt of the report of NEERI, the petitioner shall take note of the various deficiencies pointed out by the Central Pollution Control Board and Tamilnadu Pollution Control Board and the suggestions to rectify them and take remedial measures. Learned counsel for the petitioner states that the petitioner has already started taking remedial measures on the basis of the suggestions made by the Central Pollution control Board and Tamilnadu Pollution Control Board.

List the matter after eight weeks. Interim order to continue till the next date of hearing.

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master