

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

Petition(s) for Special Leave to Appeal (C) No(s).28116-28123/2010

(From the judgment and order dated 28/09/2010 in WP No.15501/1996, WP No. 15502/1996, WP No.5769/1997, WP No. 16861/1998, WMP No. 8044/1999, WMP No. 8045/1999, WMP No. 8046/1999, WP No. 15503/2006 of The HIGH COURT OF JUDICATURE AT MADRAS)

STERLITE INDUSTRIES (I) LTD. ETC. ETC. Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. ETC. ETC. Respondent(s)

(With application for modification of Court's Order, intervention/impleadment as respondent, with prayer for interim relief and office report)

Date: 18/10/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK  
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. C.A. Sundaram, Sr. Adv.  
Mr. S. Raghunathan, Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Rishi agarwal, Adv.  
Mr. E.C. Agrawala, Adv.  
Ms. Radhika Gautam, Adv.  
Mr. Abhinav Agrawal, Adv.

For Intervenor (s) Mr. Raj Panjwani, Sr. Adv.  
in iA 33-40 Mr. Rahul Chowdhury, Adv.  
Ms. Rashmi Nandakumar, Adv.  
Ms. Anitha Shenoy, Adv.

For Respondent(s)  
For UOI Ms. Vimla Sinha, Adv.  
Mr. Yasser Rauf, Adv.  
Mr. B. Krishna Prasad, Adv.

..2/-

For RR No. 1 Mr. Subramonium Prasad, Adv.

For RR No. 2 Mr. V. Prakash, Sr. Adv.  
Ms. Manju Jana, Adv.  
Mr. Shivaji M. Jadhav, Adv.

For CPCB Mr. Vijay Panjwani, Adv.

For RR No. 7 Mr. Vaiko @ V. Gopalswamy  
In person  
Mr. G. Devadoss  
Mr. G. ananthaselvam, Adv.

For RR No. 8                    Mr. S. Guru Krishna Kumar, Aag.  
                                  Mr. M. Yogesh Kanna, Adv.  
                                  Mr. R. Veeramani, Adv.

For RR No. 10            Mr. S. Beno Bencigar, Adv.  
                                  Mr. P. Somasundaram, Adv.

For RR No. 11            Mr. Abhay Kumar, Adv.

For RR No. 13            Mr. V.N. Subramaniam, Adv.  
                                  Mr. V. Senthila Kumar, Adv.  
                                  Mr. K. Krishna Kumar, Adv.  
                                  Mr. M.A. Chinnasamy, Adv.

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

IA Nos. 33-40

We have heard learned counsel for the applicant and the learned counsel for the petitioner-Sterlite Industries.

We are not inclined to pass any orders impleading the applicant as respondent in the Special leave Petitions but the applicant will be heard through its counsel at the time of the hearing of the Special Leave Petitions.

Interlocutory Applications stand disposed of.

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SLP(C) Nos. 28116-28123 of 2010

Heard in part.

During the course of hearing we have found that one of the conditions imposed by the Tamil Nadu Pollution Control Board for establishing the industry of the petitioner is that the industrial unit of the petitioner will be located 25 kilo metres away from ecologically sensitive area. A Notification under Section 35(1) of the Wildlife (Protection) Act, 1972 has been brought to our notice to show that four islands located in the range of 6 to 15 kilo metres from Tuticorin were intended to be notified as National Park. A submission was made on the basis of the aforesaid Notification that these four islands which were to be part of the intended National park were ecologically sensitive areas.

We call upon the State Government of Tamil Nadu to file an affidavit and apprise this Court whether a Notification under Section 35(4) of the Wildlife (Protection) Act, 1972 was eventually issued by the State Government in respect of the aforesaid four islands and if it was not issued whether the Tamil Nadu Government considers the four islands as ecologically sensitive areas.

We also call upon the Tamil Nadu Pollution Control Board to file an affidavit along with materials to apprise this Court the performance with regard to the standards prescribed under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 which have been attained pursuant to the removal of the deficiencies by the petitioner-Sterlite Industries pursuant to our order dated 11th October, 2011.

The aforesaid two affidavits will be filed by the Government of Tamil Nadu and the Tamil Nadu Pollution Control Board and copies of the same will be served on the learned counsel for the parties or the parties before the next date of hearing.

List the matters for further hearing on Wednesday, the 31st October, 2012.

[KALYANI GUPTA]  
COURT MASTER

[SHARDA KAPOOR]  
COURT MASTER