

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

RECORD OF PROCEEDINGS

I.A.NO.1531 IN I.A.NO.22 IN

WRIT PETITION (CIVIL) NO(s). 4677 OF 1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(For directions on behalf of Naraina Industrial Area CETP Society
through its President)(With office report)

WITH

I.A.No.1791 in I.A.1531 in IA 22 in W.P.(C) No.4677/1985

(For directions on behalf of Naraina Industrial Area CETP Society)
(With office report)

I.A.No.1846 in W.P.(C) No.4677/1985

(For directions on behalf of Okhla Industrial Estate CETP)

I.A.Nos.1828 & 1829 in I.A.1531 in IA 22 in W.P.(C) No.4677/1985

(For directions and impleadment on behalf of President, Kalyan Brastachar
Virodhi Sangarsh Samiti)

I.A.No.1830 in I.A.1531 in IA 22 in W.P.(C) No.4677/1985

(For exemption from depositing the cost of CETP on behalf of
M/s. Pure Drinks Ltd.)

I.A.No.1834 in I.A.1531 in IA 22 in W.P.(C) No.4677/1985

(For impleading the name of M/s. Anand Parbat Industrial Area CETP Society)

I.A.Nos.1868-1869 in I.A.1531 in IA 22 in W.P.(C) No.4677/1985

(For directions and impleadment on behalf of Britannia Industries Ltd.)

I.A.No.1861 in I.A.1531 in IA 22 in W.P.(C) No.4677/1985

(For directions on behalf of Anand Parbad Effluent Treatment Ltd.)

I.A.No.1862 in I.A.1531 in IA 22 in W.P.(C) No.4677/1985

(For directions on behalf of Anand Parbad Effluent Treatment Ltd.)

I.A.No.1863 in I.A.1531 in IA 22 in W.P.(C) No.4677/1985

(For directions on behalf of Mayapuri Industrial CETP Society)

I.A.No.1183 in I.A.No.22 in W.P.(C) No.4677/1985

(For directions on behalf of Confederation of Delhi Industrial CETP Society)

I.A.No.1216 in I.A.22 in W.P.(C) No.4677/1985

(For clarification of Court's order dated 16.3.98 on behalf of Bank of India)

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I.A.No.1833 in I.A.No.1531 in W.P.(C) No.4677/1985

(For directions on behalf of Naraina Industrial Area CETP Society)

I.A.No.1842 in I.A.No.1531 in W.P.(C) No.4677/1985

(For permission to respondent No.8-G.T. Karnal Road Industrial Society
for bringing new material/additional facts on record.

Contempt Petition (C) No.134/2003 in W.P.(C) No.4677/1985

I.A.No.1879 in I.A.1531 in I.A.22 in W.P.(C) No.4677/1985

(For directions on behalf of the Govt. of N.C.T. of Delhi)

Date: 31/08/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)/ Mr. Ranjit Kumar, Sr.Adv. (AC) (NP)

Applicant(s) Mr. M.C.Mehta-in-person

Mr. Rakesh Khanna, Adv.
Ms. Rashmi Khanna, Adv.
Ms. Pallavi Chaudhary, Adv.
Mr. Shashank Shekhar, Adv.
Mr. Surya Kant, Adv.

in IA 1216: Mr. Sudarsh Menon, Adv.
Mr. Raj Nathan, Adv.

For Najafgarh Road, | Mr. S. Sukumaran, Adv.
Motinagar Indl.CETP | Mr. A. Deb Kumar, Adv.
Society: | Mr. K. Rajeev, Adv.

Petr.in Cont.Pet.: Mr. S. Sukumaran, Adv.
Mr. A. Deb Kumar, Adv.
Mr. K. Rajeev, Adv.

in I.A.1830: Mr. S. Sukumaran, Adv.
Mr. A. Deb Kumar, Adv.
Mr. K. Rajeev, Adv.

in IAs.1868-69: Mrs. Kamakshi S.Mehlwai, Adv.

Mohan Coop.Indl.
Estate CETPS: Mr. Rajesh Gupta, Adv.
Mr. Harpreet Singh, Adv.
Mr. Pratap Venugopal, Adv.
for M/s. K.J.John & Co., Advs.

in IAs.1861-63: Mr. Ashok Kr. Sharma, Adv.

GT Karnal Road Indl.
Society: Mr. Kamlendra Mishra, Adv. (NP)

in IA 1846: Ms. Bina Gupta, Adv.
Ms. Inklea Barooah, Adv.

Mrs. Rakhi Ray, Adv.

in IA 1183:

Mr.M.K.D.Namboodiri, Adv.

Mr. Debasis Misra, Adv. (NP)

Delhi Jal Board:

Mr. R.S. Suri, Adv.

For Respondent(s)

-CPCB:

Mr. Vijay Panjwani, Adv.

NCRPB:

Mrs. Sheel Sethi, Adv.

-DDA:

Mr. V.B. Saharya, Adv.

for M/s. Saharya & Co., Adv.

-MCD:

Mr. Sanjiv Sen, Adv.

Mr. Praveen Swarup, Adv.

Mr. Naresh Khanna, Adv.

Mr. R.K. Joshi, Adv.

Mr. P.N. Puri, Adv.

Ms. Lalita Kohli, Adv.

Mr. Manoj Swarup, Adv.

Mr. Anubhav Kumar, Adv.

Ms. Mona Rajvanshi, Adv.

Ms. Happy Saxena, Adv.

for M/s. Manoj Swarup & Co., Avs.

-MoEF:

Mr. Vikas Sharma, Adv.

Mrs. Anil Katiyar, Adv.

Mr. Vijay Kumar, Adv.

Mr. Atul Sharma, Adv.

Mr. Vishwajit Singh, Adv.

NCT, Delhi,

DPCC DSIDC:

Mr. D.N. Goburdhan

Ms. Pinky Anand, Adv.

Ms. Geeta Luthra, Adv.

Mr. B.V.B. Das, Adv. (NP)

UPON hearing counsel the Court made the following

O R D E R

We have perused the report filed by the EPCA, dated 30th July, 2005. The report states that CETP Society of G.T.Karnal is refusing to sign the agreement for operation and maintenance of the CETP plant which seems to be ready for handing over. None is present on behalf of the said Society. In case the said CETP society fails to sign the agreement, which has been signed by nine other CETP societies, within a

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period of two weeks, it would be open to the Delhi Government to take steps for closure of the industries in the said society.

The report further states that all the CETPs are under-utilised for two reasons, first being incomplete/ silted/choked collection system and second the non-connection of the industries to the conveyance system and discharge of untreated effluent by them into the open stream water drainage. The EPCA would examine the problem and issue necessary directions to such parties who are responsible for the under-utilisation and for the two circumstances mentioned in the report. Meanwhile, we direct the Delhi Jal

Board, DSIDC and the Delhi Government to file their affidavits within two weeks

explaining their position in regard to the observations made by the EPCA.

Yet another observation made is that on 2nd July, 2005, Delhi Jal Board was directed by EPCA to prepare a time-frame for completion of all activities relating to conveyance system and specify the role and responsibility of different agencies which has not been submitted by it. We direct the said Board to prepare and submit the time-frame before the EPCA within a period of two weeks.

In respect of the CETPs of Naraina and Najafgarh industrial areas, it is pointed out by Mr. Goburdhan, learned counsel appearing on behalf of the State

Government, that further work for installation of the plants is being hampered because of non-payment by the two societies. It is represented by learned counsel appearing for the societies that the list of those members who had not paid or who had partly paid was supplied long time back to the State Government and that the State Government has

neither proceeded against the defaulting members nor the societies have been vested

with any power to proceed against the defaulting members. This list said to have been

supplied to the State Government may again be supplied within one week to the counsel

for the State Government. According to learned counsel for the societies, same position

continues to remain insofar as the defaulting members are concerned. The State

Government shall file an affidavit, within two weeks of receipt of the said list from these

societies, as to what it proposes to do against the defaulting members. It would be open

to the State Government to proceed against the defaulting members.

The

Registry shall give a copy of the report to Mr. Rakesh Khanna, learned counsel.

List after four weeks.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Court Master