

ITEM NO.11

COURT NO.2

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: PETCOKE(1) IA NOS. 95814, 95815/2020 AND 21342/2021
(APPLNS. FOR IMPLEADMENT, DIRECTION AND EARLY HEARING ON B/O
SANGHVI TECHNO PRODUCTS) ONLY" IN W.P.(C) NO. 13029/1985 ARE
LISTED."ONLY"

NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN
IN THE LIST:MR. HARISH N. SALVE, SR. ADVOCATE (A.C.)MS. APARAJITA
SINGH, SR. ADVOCATE (A.C.)MR. A.D.N. RAO, SR. ADVOCATE (A.C.)MR.
SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.)PETITIONER-IN-PERSONMR. G.S.
MAKKER, MR. AMRISH KUMAR,MR. SANJAY KR. VISEN, MR. KAMLENDRA
MISHRA, MR. AJAY PAL,MR. SANDEEP KR. JHA,MR. JYOTI MENDIRATTA,MS.
ANUSHREE PRASHIT KAPADIA, ADVOCATES)

Date : 13-12-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ABHAY S. OKA

Mr. Harish N. Salve, Sr. Adv. (A.C.)
(NP/not joined)
Ms. Aparajita Singh, Sr. Adv. (A.C.)
Mr. A.D.N. Rao, Sr. Adv. (A.C.)
Mr. Siddhartha Chowdhury, Adv. (A.C.)

For Petitioner(s) Applicant-in-person

Petitioner-in-person

For Applicant(s) Ms. Anushree Prashit Kapadia, AOR
Mr. Divyank Dutt Dwivedi, Adv.

For Respondent(s) Ms. Aishwarya Bhati, ASG
Ms. Archana Pathak Dave, Adv.
Mr. D.L. Chidanand, Adv.
Mr. S.S. Rebello, Adv.
Mr. Rajesh Kumar Singh, Adv.
Ms. Suhasini Sen, Adv.
Ms. Alka Agrawal, Adv.

Mr. Vibhu Shankar Mishra, Adv.
Mr. Wasim, Adv.
Mr. Subhranshu Padhi, Adv.
Mr. Ashok Kumar, Adv.
Mr. Baby Devi Bonia, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Varun Chugh, Adv.
Mr. Mrinal Elkar Mazumdar, Adv.
Mr. Kanu Agrawal, Adv.
Ms. Ruchi Kohli, Adv.
Ms. Srishti Mishra, Adv.
Ms. Shagun Thakur, Adv.
Ms. Shivika Mehtra, Adv.
Ms. Ameya Vikrama Thanvi, Adv.
Mr. G.S. Makker, AOR (Environment & DA)
Mr. Amrish Kumar, AOR (Department of PNG)
Mr. Raj Bahadur Yadav, AOR (Commerce & Industry)

Mr. B.K. Satija, AAG
Mr. Sanjay Kr. Visen, AOR
Mr. Himanshu Satija, Adv.
Mr. Sandeep Joshi, Adv.
Mr. Prakash Kumar, Adv.
Ms. Himani Bhatnagar, Adv.
Ms. Prachi Chahal, Adv.
Ms. Saumya Singh, Adv.
Mr. S. Prakash Upadhyay, Adv.

Mr. V.K. Shukla, Sr. Adv.
Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashiwan Mishra, Adv.
Ms. Vaidruti Mishra, Adv.
Mr. Kamendra Mishra, AOR

Mr. Ajay Pal, AOR
Mr. Mayank, Adv.
Mr. Kuldeep Singh Kuchaliya, Adv.
Ms. Priyanka C., Adv.

Mr. Sandeep Kr. Jha, AOR

Mr. Jyoti Mendiratta, AOR

Dr. A.M. Singhvi, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Ms. Ananth, Adv.
Mr. Abhinabh Garg, Adv.
Mr. Siddarth, Adv.
Mr. E.C. Agrawala, AOR

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

IA NO. 95814/2020

Already allowed for the purposes of directions vide order dated 02.12.2022.

IA No. 95815/2020

Learned Amicus Curiae points out that the recommendations of the Commission for Air Quality Management (CAQM) specifies that the use of CPC be permitted in the process as a feedstock/raw material but is a qualified recommendation as it states that the availability of CPC of the required quality in the domestic market may be explored, failing which the import limited to the annual requirement may be permitted. She thus, submits that the Government's stand would be material.

The Government has filed its counter affidavit giving their no objection to the clearance to the consignments in question.

In view of the aforesaid position, we are inclined to permit the consignment in the question to be cleared.

The application stands disposed of. Details are as under (Prayer A at page 27:

"...clear the cargo under Invoice No. 225310 dated 27.02.2020 of Asbury Graphite Mills Inc., and Bill of Entry for Home Consumption bearing No. 7752577/26/05/2020/N/H, presently lying at ICD

Sabarmati Kaligam (INSBI6)."

IA No.21342/2021

application for early hearing also stands disposed of.

It is pointed out to us that in order dated 02.12.2022 passed in IA No. 40807/2022 Etc. at page 6 there appears to be a typographical error. The sentence in question should read as "for purposes of directions as claimed above" and not "for purposes of directions as claimed alone."

We direct correction of the aforesaid as the object was that application for permission to import would be considered on same parameters as directed in IA No. 150626 for modification.

Likewise, the sentence should read as "for purposes of directions as claimed above" and not "for purposed of directions as claimed alone" qua other applications also in order dated 02.12.2022.

It is submitted that a further order needs to be recorded for clarity as set out in page 6 of the order dated 02.12.2022 inasmuch as the CAQM would also have to examine the issue and the Ministry of Steel may also to be consulted.

Ordered accordingly.

We have flagged an issue that the Amici

Curiae have been assisting us for years together pro bono. This is because they are doing the job which the Government should have done. We do believe that at least some honorarium should be paid to them not really a compensation but in recognition of the work which they have carried out. There are stated to be three Amici Curiae in this matter: Ms. Aparajita Singh, Sr. Advocate, Mr. A.D.N. Rao, Sr. Advocate (A.C.) and Mr. Siddhartha Chowdhury, Advocate.

We consider that the Government of India should pay a token amount of Rs. 10 lakh each to the three Amici Curiae.

Learned Amicus Curiae has given us a list of the applications still pending consideration including, what are stated to be infructuous applications. This list is taken on record.

Let at least the infructuous applications be listed on 23.01.2023 collectively which are at serial Nos. 73 to 83.

In the meantime, learned Amicus Curiae to also draw out a plan how other applications under different categories can be dealt with.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)