

ITEM NO.21

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. 115613, 163350/2021 AND 21522/2022 (APPLN. FOR CLARIFICATION OF ORDER DATED 09.10.2018 AND PERMISSION TO FILE ADDL. DOCUMENT ON BEHALF OF RAIN CII CARBON (VIZAG) LIMITED)(2) IA NO. 16635/2022 (APPLN. FOR DIRECTIONS ON BEHALF OF RAIN CII CARBON (VIZAG) LIMITED)(3) IA NOS. 150626 AND 159396/2022 (APPLNS. FOR MODIFICATION AND PERMISSION ON B/O CARBON RESOURCES PVT. LTD.)(4) IA NOS. 114338 AND 114340/2022 (APPLNS. FOR IMPLEADMENT AND DIRECTION ON B/O HIMADARI SPECIALITY CHEMICALS LTD.)(5) IA NOS. 40803, 40804, 40807/2022 AND 183635/2022 (APPLNS. FOR IMPLEADMENT, PERMISSION AND ADDITIONAL DOCUMENT ON B/O INDIAN STEEL ASSOCIATION)IN RE: BS IV VEHICLES(1) IA NOS. 45148 AND 45152/2022 (APPLNS. FOR PERMISSION TO IMPLEAD AND DIRECTIONS ON B/O ARCHDIOCESAN BOARD OF EDUCATION)(2) IA NOS. 45157 AND 45158/2021 (APPLNS. FOR PERMISSION TO IMPLEAD AND DIRECTIONS ON B/O DIOCESAN SOCIETY OF EDUCATION)ONLY" IN W.P.(C) NO. 13029/1985 ARE LISTED."ONLY"

IA NOS. 95814/2020 & 95815/2020

IA Nos.61328/2020 & 61299/2020

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,MR. E.C. AGRAWALA,MR. RAJ BAHADUR YADAVMS. MALVIKA KAPILA, MR. VIKAS MEHTA,MR. SAHIL TAGOTRA, ADVOCATES)

Date : 02-12-2022 These applications were called on for hearing today.

CORAM :

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

Ms. Aparajita Singh, Sr. Adv.(A.C.)
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Mr. Amrish Kumar, AOR

Mr. Sanjay Kr. Visen, AOR
Mr. Kamendra Mishra, AOR
Mr. Ajay Pal, AOR
Mr. Sandeep Kr. Jha, AOR
Mr. Jyoti Mendiratta, AOR
Mr. E.C. Agrawala, AOR
Mr. Raj Bahadur Yadav, AOR
Ms. Malvika Kapila, AOR
Mr. Vikas Mehta, AOR
Mr. Sahil Tagotra, AOR

For parties:-

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Mr. Vikas Mehta, AOR
Mr. Apoorv K., Adv.

Applicant-in-person

Petitioner-in-person

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Mr. Vipin Sandu, Adv.
Mr. J.S. Maratha, Adv.
Mr. Rahul Maratha, Adv.
Mr. Jeetendra Kumar, Adv.
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Mr. Vinod Sharma, AOR

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Mr. Simanta Kumar, Adv.

Mr. Narendra Kumar, AOR

Mr. Mrinal Elkar Mazumdar, Adv.

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Mr. Abdul Saleem, Adv.

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Mr. Akash Singh, Adv.

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Mr. Kuldip Singh, AOR

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Mr. Upendra Mishra, Adv.

Mr. P.S. Negi, Adv.

Mr. Nishe Rajen Shonker, AOR

Mrs. Anu K. Joy, Adv.

Mr. Alim Anvar, Adv.

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

IA NO.150626 FOR MODIFICATION AND 159396/2022-SEEKING PERMISSION TO FILE IA

IA NO.114338/2022- FOR IMPLEADMENT & 114340/2022- FOR DIRECTIONS

Application for permission to file IA is allowed.

Application for impleadment is allowed for purposes of directions as claimed alone.

Learned counsel for the applicants request that the matter be examined by Ministry of Environment, Forest and Climate Change (MoEF), Ministry of Petroleum and Natural Gas and the Central Pollution Control Board. The report be submitted, as stated, by the authorities concerned within eight weeks. Since these are technical issues, as urged by Mr. Shyam Divan, learned senior counsel, the authorities will obtain presentations from the concerned applicants.

IA NOS.40807/2022-FOR PERMISSION TO IMPORT LOW SULPHUR PET COKE, 183635/2022- ADDITIONAL DOCUMENTS,

40804/2022-IMPLEADMENT & 40803/2022- IMPLEADMENT

Application to place additional documents on record is allowed.

Application(s) for impleadment is/are allowed for purposes of directions as claimed alone.

List on 21.02.2023.

IA NOS. 95814/2020-IMPLEADMENT & 95815/2020- FOR DIRECTIONS

Applications taken on Board on mentioning.

Application for impleadment is allowed for purposes of directions as claimed alone.

Learned Amicus Curiae points out that Air Quality Commission has given a recommendation in this case and thus, orders can be passed in terms of the recommendations.

List on 13.12.2022.

IA Nos.115613/2021-CLARIFICATION, 21522/2022- ADDITIONAL DOCUMENTS & 163350/2021- ADDITIONAL DOCUMENTS

Applications for permission to file additional documents and to place on record subsequent events and additional documents are allowed.

On hearing learned counsel for parties, it appears that the case of the applicant(s) is predicated on the unit being in an SEZ area and non-availability of local Pet Coke of suitable grade for the industry. Learned Amicus curiae has drawn our attention to the background note dated 02.12.2022 where at page 23, it has been suggested by Environment Pollution (Prevention and Control) Authority (EPCA) that there is excess availability of domestically produced anode grade Pet Coke.

The question before us is whether the relevant

grade of Pet Coke is available in the country which can be utilized by the applicant(s) in their unit situated in SEZ area the product of which is to be fully exported or the import of Pet Coke is necessary for the same.

Let the Union of India take stand on affidavit about the availability of the grade of Pet Coke which is suitable in the SEZ Zone.

Learned senior counsel for the applicant(s) emphasizes that the imported RPC is mechanically blended with the local Pet Coke but the local Pet Coke alone cannot produce the relevant CPC.

Let the affidavit be filed within four weeks.

List on 21.02.2023.

IA No.16635/2022 - FOR DIRECTIONS WITH IA NOS.41878/2022- IMPLEADMENT & 41879/2022- DIRECTIONS

Application for impleadment is allowed for purposes of directions as claimed alone.

The plea is for carrying forward of the quota which could not utilized during the Covid times. The submission of Mr. P. Chidambaram is that it should be distributed *pro rata* while Mr. K.V. Vishwanathan submits that it should be dependent on the quantum which was surrendered.

The aforesaid application is being opposed by the Directorate General of Foreign Trade (DGFT).

List on 21.02.2023.

IA NOS.45148- IMPLEADMENT AND 45152/2022-DIRECTIONS

IA NOS.45157/2022- IMPLEADMENT & 45158/2022-DIRECTIONS

Application(s) for impleadment is/are allowed for purposes of directions as claimed alone.

Heard Amicus Curiae.

These applications are not opposed.

The vehicles namely, Wagon R VXI 1.2 L/MET.MAGMA GREY bearing Chassis No.MA3JMT81SKB116820 and engine No.K12MN 4537152, Wagon R VXI 1.2 L/MET.MAGMA GREY bearing Chassis No.MA3JMT81SKB116820 and engine No.K12MN 4537152 and Wagon R VXI 1.2 L/MET.MAGMA GREY bearing Chassis No.MA3JMT81SKB116820 and engine No.K12MN 4537152 are permitted to be registered.

Similarly, exemption of Road Tax is granted in vehicle namely, Honda Activa 5G bearing Chassis No.ME4JF50AFJT280285 and engine No.JF50ET7280332 and permit registration of Honda Activa 5G, bearing chassis No.ME4JF50AFJT280285 and engine No.JF50ET7280332 and Honda Activa 5G, bearing No.ME4JF50AFJT280285 and engine No.JF50ET7280332 are permitted to be registered.

The IAs are disposed of accordingly.

**IA Nos.61328/2020 -CLARIFICATION & 61299/2020-
IMPLEADMENT**

Taken on Board.

Application for impleadment is allowed for purposes of directions as claimed alone.

Learned counsel submits that the issue of colour coded stickers has been dealt with last in order dated 21.08.2020 and all he seeks is the progress/compliance report by the concerned authorities. The needful be done within six weeks.

The Delhi Government as also the Ministry of Road Transport to file affidavit of compliance report and the order may be communicated to the concerned authorities.

Needful be done within six weeks.

List on 21.02.2023.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)