

ITEM NO.3 Court 5 (Video Conferencing) SECTION PIL-W

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

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

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

((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) 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. SANDEEP KR. JHA, MS. RANJEETA ROHTAGIMR. JYOTI MENDIRATTA,MR. E.C. AGRAWALA, ADVOCATES )

Date : 21-03-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE B.R. GAVAI

For the parties :

Mr. Harish N. Salve, Sr. Adv(A.C.)

Ms. Aparajita Singh, Sr. Adv(A.C.)

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Mr. Sitesh Mukherjee, Sr. Adv.

Mr. Kondaram, Sr. Adv

Mr. Mahesh Agarwal, Adv

Ms. Poonam Sengupta, Adv

Mr. Arshit Anand, Adv

Mr. Saunak Rajguru, Adv

Ms. Sakshi Kapoor, Adv

Mr. Azeem Samuel, Adv  
Mr. E.C. Agrawala, AOR

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Mr. D. L. Chidananda-Adv  
Mr. Rajesh K. Singh-Adv  
Ms. Archana Pathak Dave-Adv.  
Mr. S.S. Rebello, Adv.  
Mr. Vibhu Shankar Mishra, Adv.  
Ms. Suhasini Sen-Adv.  
Mr. Shubhranshu Padhi-Adv  
Mr. Amrish Kumar -AOR  
Mr. G.S. Makkar-AOR  
Mr. A.K. Sharma, AOR

NCT Delhi/  
Delhi Police

Ms. Aishwarya Bhati, Ld ASG  
Mr. Gurmeet Singh Makkar, AOR  
Mr. Vibhu Shanker Mishra, Adv  
Ms. Archana Pathak Dave, Adv  
Mr. R. D. Singh, Adv  
Mr. Mani S Mishra, Adv

Jharkhand

Mr. Tapes Kumar Singh, A.A.G  
Mr. Sukant Vikram, Adv  
Mr. Aditya Pratap Singh, Adv  
Mr. Aditya Narayan Das, Adv

Mizoram

Mr. Siddhesh Kotwal, Adv  
Mr. Akash Singh, Adv  
Mr. Nirnimesh Dube, AOR

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Mr. Arindam Ghosh, Adv.  
Mr. Anshuman Bahadur, Adv.

GNCTD

Mr. Chirag M. Shroff, AOR  
Mr. Amandeep Mehta, Adv.

Assam

Mr. Shuvodeep Roy, AOR  
Mr. Ishaan Borthakur, Adv.

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Mr. Ravindra S garia AOR

Mr. Nishe Rajen Shonker, Adv  
Ms. Anu K Joy, Adv  
Mr. Alim Anvar, Adv

<b>Andaman &amp; Nicobar Islands</b>	<b>Mr. Samir Ali Khan, AOR</b>
<b>IMPD</b>	<b>Mr. Shovan Mishra, AOR Ms. Bipasa Tripathy, Adv</b>
<b>KSPCB</b>	<b>Mr. Jogy Scaria, AOR Ms. Beena Victor, Adv Mr. Keerthipriyan E, Adv Ms. M. Priya, Adv</b>
	<b>Mr. Vibhakar Mishra, Adv. Ms. Banisha Verma, Adv. Mr. Badal Dayal, Adv. Ms. Manshi Bhushan, Adv. Mr. Nischal Kumar Neeraj, AOR</b>
	<b>Mr. Chandra Prakash, AOR</b>
<b>GPCB</b>	<b>Ms. Nidhi Jaswal, AOR</b>
	<b>Ms. Madhumita Bhattacharjee, AOR</b>
<b>Punjab</b>	<b>Ms. Ranjeeta Rohtagi, AOR</b>
<b>H.P.</b>	<b>Mr. Vinod Sharma, AOR</b>
<b>Rajasthan</b>	<b>Dr. Manish Singhvi, Sr Adv Mr. Arpit Parkash, Adv Mr. Sandeep Kr. Jha, AOR</b>
<b>Bihar</b>	<b>Mr. Manish Kumar, AOR Mr. Deep Prabhu, Adv.</b>
	<b>Ms. Kiran Bhardwaj, AOR</b>
<b>M.P.</b>	<b>Mr. Gopal Jha, AOR Mr. Baij Nath Patel, Adv Mr. Shreyash Bhardwaj, Adv</b>
<b>U.P.</b>	<b>Mr. Ravindra Raizada, Sr Adv/AAG Mr. Rajeev Kumar Dubey, Adv Mr. Upendra Mishra, Adv Mr. Ashiwan Mishra, Adv Mr. Kamlendra Mishra, AOR</b>
<b>Manipur</b>	<b>Mr. Pukhrambam Ramesh Kumar, AOR Ms. Anupama Ngangom, Adv.</b>

Mr. Karun Sharma, Adv.

Mr. Ravi Prakash, AOR

Meghalaya

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Mr. T.K. Nayak, Adv.

Mr. Shaurya Sahay, Adv.

Ms. Rekha Bakshi, Adv.

Mr. D. Kumanan, AOR

Mr. Sheikh F. Kalia, Adv

Mr. KV Vishwanathan, Sr. Adv.

Mr. Ashish Prasad, Adv

Ms. Mukta Dutta, Adv

Mr. Abhishek Shivpuri, Adv

Mr. Sparsh Prasad, Adv

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Mr. Nishit Agrawal, AOR

Mr. S. Prabakaran, Sr Adv

Ms. Usha Prabakaran, Adv

Dr. Ram Sankar, Adv

Ms. Shaarumathi Adv

Ms. Divya, Adv

Ms. Sujatha Bhagadhi

Mr. Jai Singh, Adv

Mr. Raj Kumar Mahto, Adv

RAM SANKAR & CO

MCD

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Ms. Payal Swarup, Adv

Mr. K.P.Singh, Adv

Ms. Archana Sharma, Adv

Mr. Kanishk Chaudhary, Adv

Mr. Syed Jafar Husain, Adv

Mr. Shafiq Khan, Adv

Mr. Joginder Mann, Adv

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Mr. Suraj Singh Adv

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Mr. Polanki Gowtham, Adv  
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Mr. K.V. Girish Chowdary, Adv  
Ms. Rajeswari Mukherjee, Adv.

Sikkim

Mr. Raghvendra Kumar, Adv.  
Mr. Anand Kumar Dubey, Adv.  
Mr. Nishant Verma, Adv.  
Mr. Rajiv Kumar Sinha, Adv.  
Mr. Simanta Kumar, Adv.  
Mr. Sunil Saraogi, Adv.  
Ms. Rajalakshmi Singh, Adv.  
Mr. Narendra Kumar, AOR

Assam

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Mr. V.N.Raghupathy, AOR

Mr. Mukesh Verma, Adv.  
Mr. Yash Pal Dhingra, AOR

Gujarat

Ms. Deepanwita Priyanka, AOR

Ms. Lubna Naaz AOR

Mr. Arjun Syal, Adv.  
Ms. Mithu Jain, AOR.  
Mr. Shreyan Das, Adv.  
Mr. Kartikay Trivedi, Adv.

Petitioner-In-Person

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

IA NO.16635/2022:

This application is filed by Rain CII Carbon

(Vizag) Limited for a direction to the Directorate General of Foreign Trade (DGFT) to allocate the non-imported 2,13,229 Tonnes of Raw Petroleum Coke to all eligible calciners on pro-rata basis in the Financial year 2021-2022 based on such calciners' plant capacity. A further relief is sought for carrying forward the entire remaining/non-imported quantum of Raw Petroleum Coke of FY 2020-2021 to FY 2021-2022 amounting to 2,13,229 Tonnes.

It was contended on behalf of the applicant that one of its kilns had to be closed down due to non-availability of the raw material. Allocation of raw petroleum for the FY 2022-2023 is likely to take some time, during the course of which its second kiln is likely to shut down as well. Therefore, it would be in the interest of justice that the non-allocated 2,13,229 for the FY 2020-2021 be allocated on a pro-rata basis to all the eligible calciners based on their plant capacity which would at least provide sufficient raw material for the applicant industry to function for the present.

We directed Ms. Aishwarya Bhati, learned ASG to obtain instructions from the DGFT regarding the allocation of the unutilised raw material for the FY 2021-2022. On instructions, Ms.Bhati submitted that it would not be possible to carry forward the unutilised raw material from the year FY 2020-21 and allocate it

to the calciners in FY 2021-22 as the government has taken such a decision.

Mr. A.D.N.Rao, learned Amicus Curiae informed the Court that certain calciners have surrendered the allocated raw material and they cannot be permitted to seek for re-allocation.

For the present, we are not inclined to pass any order regarding allocation of unutilized raw-material. However, we are of the considered view that the allocation of raw petroleum Coke to all eligible calciners for the FY 2022-2023 shall be expedited and completed within a period of ten days from the date of receipt of applications. The said direction is being issued after taking note of the precarious situation in which the industries are placed due to shortage of raw-material.

List on 01.04.2022.

(B.Parvathi)  
Court Master

(Anand Prakash)  
Court Master

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Date : 21-03-2022 This petition was called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE B.R. GAVAI

For the parties :

Mr. Harish N. Salve, Sr. Adv(A.C.)

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NCT Delhi/  
 Delhi Police

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 Ms. Archana Pathak Dave, Adv  
 Mr. R. D. Singh, Adv  
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IMPD Mr. Shovan Mishra, AOR  
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Mr. Nischal Kumar Neeraj, AOR

Mr. Chandra Prakash, AOR

GPCB Ms. Nidhi Jaswal, AOR

Ms. Madhumita Bhattacharjee, AOR

Punjab Ms. Ranjeeta Rohtagi, AOR

H.P. Mr. Vinod Sharma, AOR

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Mr. Deep Prabhu, Adv.

Ms. Kiran Bhardwaj, AOR

M.P. Mr. Gopal Jha, AOR  
Mr. Baij Nath Patel, Adv  
Mr. Shreyash Bhardwaj, Adv

U.P. Mr. Ravindra Raizada, Sr Adv/AAG  
Mr. Rajeev Kumar Dubey, Adv  
Mr. Upendra Mishra, Adv  
Mr. Ashiwan Mishra, Adv  
Mr. Kamlendra Mishra, AOR

Manipur Mr. Pukhrambam Ramesh Kumar, AOR  
Ms. Anupama Ngangom, Adv.  
Mr. Karun Sharma, Adv.

Mr. Ravi Prakash, AOR

**Meghalaya**

Mr. Avijit Mani Tripathi, AoR  
 Mr. T.K. Nayak, Adv.  
 Mr. Shaurya Sahay, Adv.  
 Ms. Rekha Bakshi, Adv.

Mr. D. Kumanan, AOR  
 Mr. Sheikh F. Kalia, Adv

Mr. KV Vishwanathan, Sr. Adv.  
 Mr. Ashish Prasad, Adv  
 Ms. Mukta Dutta, Adv  
 Mr. Abhishek Shivpuri, Adv  
 Mr. Sparsh Prasad, Adv  
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 Ms. Usha Prabakaran, Adv  
 Dr. Ram Sankar, Adv  
 Ms. Shaarumathi Adv  
 Ms. Divya, Adv  
 Ms. Sujatha Bhagadhi  
 Mr. Jai Singh, Adv  
 Mr. Raj Kumar Mahto, Adv  
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**MCD**

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 Ms. Payal Swarup, Adv  
 Mr. K.P.Singh, Adv  
 Ms. Archana Sharma, Adv  
 Mr. Kanishk Chaudhary, Adv  
 Mr. Syed Jafar Husain, Adv

Mr. Shafiq Khan, Adv  
 Mr. Joginder Mann, Adv  
 Ms. Sundri, Adv  
 Mr. Parminder S. Bhullar, AOR

Mrs. K. Enatoli Sema, AOR  
 Mr. Amit Kumar Singh, Adv  
 Ms. Chubalemla Chang, Adv

**Haryana**

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 Mr. Rahul Khurana, Adv.  
 Mr. Satish Kumar, Adv.  
 Mr. Sanjay Kumar Visen, AOR  
 Ms. Babita Mishra Adv.

Mr. Anil Grover, AAG  
Dr. Monika Gusain, AOR

Mr. Jyoti Mendiratta, AOR

Mr. Pradeep Misra AOR  
Mr. Suraj Singh Adv

Andhra Pradesh

Mr. Mahfooz A. Nazki, AOR  
Mr. Polanki Gowtham, Adv  
Mr. Shaik Mohamad Haneef, Adv  
Mr. T. Vijaya Bhaskar Reddy, Adv  
Mr. K.V. Girish Chowdary, Adv  
Ms. Rajeswari Mukherjee, Adv.

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Ms. Rajalakshmi Singh, Adv.  
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Ms. Lubna Naaz AOR  
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Ms. Mithu Jain, AOR.  
Mr. Shreyan Das, Adv.  
Mr. Kartikay Trivedi, Adv.

Petitioner-In-Person

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

IA NO.163350/2022:

This application is filed by Rain CII Carbon  
(Vizag) Limited for a direction to the Directorate

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taken such a decision.

Mr. A.D.N.Rao, learned Amicus Curiae informed the court that certain calciners have surrendered the allocated raw material and they cannot be permitted to seek for re-allocation.

For the present, we are not inclined to pass any order regarding allocation of unutilized raw-material. However, we are of the considered view that the allocation of raw petroleum Coke to all eligible calciners for the FY 2022-2023 shall be expedited and completed within a period of ten days from the date of receipt of applications. The said direction is being issued after taking note of the precarious situation in which the industries are placed due to shortage of raw-material.

List on 01.04.2022.

(B.Parvathi)  
Court Master

(Anand Prakash)  
Court Master