

ITEM NO.22 COURT NO.6 SECTION IVA

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 (Civil) No(s).9874/2012

(From the judgement and order dated 05/03/2012 in WP No.2802/2004
of The HIGH COURT OF M.P AT JABALPUR)

UNION OF INDIA Petitioner(s)

VERSUS

ALOK PRATAP SINGH & ORS. Respondent(s)

(With appln(s) for permission to file synopsis and list of dates
and with prayer for interim relief and office report)

Date: 04/04/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr.R.F.Nariman, SG

Mr.Nakul Diwan, Adv.

Mr.Anirudh Sharma, Adv.

Mr. B. Krishna Prasad,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

This petition is directed against an interlocutory order dated 5.3.2012 passed by the Division Bench of the Madhya Pradesh High Court in Writ Petition No. 2802 of 2004 whereby the Secretary (Environment and Forest), Ministry of Environment and Forest has been directed to appear in person on 9.4.2012.

The aforesaid order has been passed by the High Court because it was felt that despite repeated directions, the Central Government has not taken concrete steps for the disposal of toxic waste lying in the factory of Union Carbide India Ltd., which is now represented by DOW Chemical Company.

Learned Solicitor General invited our attention to the minutes of the meeting held on 22.02.2012 and stated that trial disposal of 10 metric tonnes of UCIL waste will be undertaken at Pithampur TSDF within a period of three months and a report to this effect will be submitted before the High Court at the end of three months' period.

In view of the statement of the learned Solicitor General we direct that all the authorities, i.e., the Government of the State of Madhya Pradesh, Madhya Pradesh Pollution Control Board and Central Pollution Control Board shall take all the steps necessary for ensuring effective implementation of the decision taken in the meeting held on 22.2.2012. The State Government and the concerned Pollution Control Board shall give necessary permission for this purpose without any delay.

A report based on the trial disposal of UCIL waste shall be filed in the High Court on or before 4.7.2012. After considering the report, the High Court may issue appropriate direction(s) in the matter of disposal of the waste.

In view of the above, the direction given by the High Court for personal appearance of the Secretary, Ministry of Environment and Forests, New Delhi shall remain suspended.

If the Union of India finds that either the Government of Madhya Pradesh and / or the Pollution Control Boards are not cooperating in implementation of the decision taken in the meeting held on 22.02.2012 then it shall be free to approach this Court.

The special leave petition is disposed of in the manner indicated above.

(Satish K.Yadav) (Phoolan Wati Arora)
Court Master Court Master

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Gautam\AppData\Roaming\Microsoft\Templates\Normal.dotm
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Author: Susan
Keywords:
Comments:
Creation Date: 4/11/2012 11:36:00 AM
Change Number: 2
Last Saved On: 4/11/2012 11:40:00 AM
Last Saved By: Susan
Total Editing Time: 4 Minutes
Last Printed On: 4/11/2012 12:49:00 PM
As of Last Complete Printing
Number of Pages: 2
Number of Words: 451 (approx.)
Number of Characters: 2,572 (approx.)