

**SECTION XVII**

MATTER FOR : 29.4.2016

R/COURT NO. :

ITEM NO. :

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

**CIVIL APPEAL NO.1526 OF 2016**

**WITH**

**CIVIL APPEAL NO.3175 OF 2016**

Alembic Pharmaceuticals Limited

... Appellant

VERSUS

Rohit Prajapati & Ors.

.... Respondents

**OFFICE REPORT**

**CIVIL APPEAL NO.1526 OF 2016**

The matter above mentioned was listed before the Hon'ble Court on 9<sup>th</sup> February, 2016, when the Court was pleased to pass the following order:-

"Issue notice.

Mr. Satya Mitra, Advocate accepts notice on behalf of Respondent Nos. 1 and 2.

Notice shall issue to Respondent Nos. 3 to 7 only. Since Respondent Nos. 8 and 9 are proforma respondents, notices to them are dispensed with.

Mr. Kapil Sibal, learned senior counsel submits that Respondent Nos. 10 and 11 are no longer in existence as they have merged with the appellant company.

Notice to Respondents 10 and 11 is in that view dispensed with,

Pending further orders from this Court, the direction issued by the National Green Tribunal for closure of the industrial activities of the appellant at Village Panelav, District Panchmahal shall remain stayed subject to the appellant depositing Rs.10 lakhs for each one of the two units established and also depositing the litigation costs of Rs.10,000/- (Rupees ten thousands) payable to respondents

Tribunal the litigation cost shall be disbursed to Respondent Nos.1 and 2 while the amount and On

representing deposit before compensation for the causing environmental degradation shall be invested in a term deposit by the National Green Tribunal until further orders of this Court.

We make it clear that this order shall not prevent Respondent Nos.1 and 2 from approaching the Tribunal for further directions on the basis of additional material that they may like to place before the Tribunal to demonstrate that the two units established by the

appellant are not "zero discharge units" and/or that the Effluent Treatment Plant and other anti-pollution measures taken by the company are either deficient or non-existent causing environmental pollution in the area. free to seek summoning of the The respondents shall also be entire record from the Gujarat

Pollution Control Board and the Ministry of Environment relating to previous inspection report and tests etc. and also to ask for checking of the ground water pollution to be undertaken by the Central Pollution Control Board or any other independent authority.

If any such application is filed by the respondents the Tribunal is requested to look into the same and pass appropriate orders in accordance with law.  
"

It is submitted that there are eleven respondents in the matter.

Accordingly, Show cause notice was issued to Respondent Nos.3 to 7 only on 26.2.2016 through registered A.D. post. Notice is dispensed with against respondent Nos. 8 to 11 vide above mentioned Court's order. Mr. Satya Mitra, Advocate has accept notice on behalf of Respondent Nos. 1 & 2 and he has on 26.4.2016 filed counter affidavit on behalf of respondent No. 1 but not served the copies of the same on Mr. Ajay Marwah, Advocate for Respondent No. 5. Mr. Satya Mitra, Advocate has not filed vakalatnama on behalf of Respondent No. 2 so far. Mr. Ajay Marwah, Advocate has filed vakalatnama on behalf of Respondent No. 5 but has not filed counter affidavit so far.

It is further submitted that service of notice on respondent Nos. 3, 4 and 7 is not complete as neither A.D.cards nor unserved covers have been received back so far.

#### **CIVIL APPEAL NO.3175 OF 2016**

The matter above mentioned was listed before the Hon'ble Court on 5<sup>th</sup> April, 2016, when the Court was pleased to pass the following order:-

"Heard.

Issue notice.

Mr. Satya Mitra, Advocate, accepts notice on behalf of respondent no.1.

Notice shall issue to respondents no.2 to 7 only.

Notice to respondents no.8 to 10, who are proforma respondents, is dispensed with.-3-

Pending further orders from this Court, the direction

issued by the National Green Tribunal for closure of the industrial activities of the appellant at Ankleshwar, District Bharuch, shall remain stayed subject to the appellant depositing Rs.10 lakhs for its unit established and also depositing the litigation costs of Rs.10,000/- (Rupees ten thousands) payable to respondents no.1 and 2. On deposit before the Tribunal the litigation cost shall be disbursed to respondents no.1 and 2 while the amount representing compensation for causing environmental degradation shall be invested in a term deposit by the National Green Tribunal until further orders of this Court.

We make it clear that this order shall not prevent respondents no.1 and 2 from approaching the Tribunal for further directions on the basis of additional material that they may like to place before the Tribunal to demonstrate that the unit established by the appellant is not a "zero discharge unit" and/or that the Effluent Treatment Plant and other anti-pollution measures taken by the company are either deficient or non-existent causing environmental pollution in the area. The respondents shall also be free to seek summoning of the entire record from the Gujarat Pollution Control Board and the Ministry of Environment relating to previous inspection report and tests etc. and also to ask for checking of the ground water pollution to be undertaken by the Central Pollution Control Board or any other independent authority.

If any such application is filed by the respondents, the Tribunal is requested to look into the same and pass appropriate orders in accordance with law.

Tag along with Civil Appeal NO.1526 of 2016."

It is submitted that there are ten respondents in the matter. Service of notice against respondent Nos. 8 to 10 is dispensed vide above mentioned order. Accordingly, show cause notice was issued to Respondent Nos. 1 to 7 on 13.04.2016 through registered A.D. post. Service of notice on Respondent No. 1 is complete as Mr. Satya Mitra, Advocate represented Respondent No. 1 but has not filed counter affidavit so far.

It is further submitted that service of notice on respondent Nos. 2 to 7 is not complete as neither A.D. cards nor unserved covers have been received back so far.

The matters above-mentioned are listed before the Ld. Registrar Court with this office report.

DATED THIS THE 27TH DAY OF APRIL, 2016

ASSISTANT REGISTRAR

Copy to: Mr. Siddharth Singh, Advocate  
Mr. Satya Mitra, Advocate  
Mr. Ajay Marwah, Advocate  
Mr. S. Narain, Advocate

ASSISTANT REGISTRAR

HARISH