

ITEM NO.31

COURT NO.1

SECTION XVII

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

Civil Appeal Diary No. 2562/2016

ALEMBIC PHARMACEUTICALS LTD.

Appellant(s)

VERSUS

ROHIT PRAJAPATI AND ORS.

Respondent(s)

(with appln. (s) for permission to file appeal. and office report)

Date : 09/02/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s) Mr. Kapil Sibal, Sr.Adv.
 Mr. K.V. Vishwanathan, Adv.
 Mr. S.I. Nanavati, Sr.Adv.
 Mr. Bhavesh Chokshi, Adv.
 Ms. Swikriti Singhania, Adv.
 Ms. Karishma Singhania, Adv.
 Mr. Siddharth Singla, Adv.

For Respondent(s) Mr. Colin Gonsalves, Sr.Adv.
 Ms. Shodhika Sharma, Adv.
 Mr. Satya Mitra, Adv.

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

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 1 and 2. On deposit before the Tribunal the litigation cost shall be disbursed to Respondent Nos.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 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. 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.

(USHA BHARDWAJ)
AR-CUM-PS

(VEENA KHERA)
COURT MASTER