

ITEM NO.5

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 No(s). 3175/2016

UNITED PHOSPHOROUS LTD

Appellant(s)

VERSUS

ROHIT PRAJAPATI AND ORS

Respondent(s)

(With appln.(s) for Ad-interim ex-pare say and permission to bring additional facts and documents on record and interim relief and office report)

Date : 05/04/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s)      Mr. P. Chidambaram, Sr. Adv.  
                                 Mr. K.V. Vishwanathan, Sr. Adv.  
                                 Mr. Sandeep Narain, Adv.  
                                 Mr. Ankit Virmani, Adv.  
                                 Mr. Jyoti Prakash, Adv.  
                                 For M/s. S. Narain & Co.

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

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.

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.

(MAHABIR SINGH)  
COURT MASTER

(VEENA KHERA)  
COURT MASTER