

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL/CIVIL APPELLATE JURISDICTION

Writ Petition(Civil)No.720/2023

DRUK FUELS LIMITED

Petitioner(s)

VERSUS

THE STATE OF MEGHALAYA & ORS.

Respondent(s)

WITH

W.P. (C) No.748/2023, W.P. (C) No. 897/2023 & W.P. (C) No. 1229/2023

WITH

CIVIL APPEAL NO.13069/2024
(@SLP(C) No. 15310/2023)

AND

CIVIL APPEAL NOS.13070-71/2024
(@SLP(C) Nos. 17238-17239/2023 (XIV))

O R D E R

1. Leave granted in all the Special Leave Petitions.
2. There are some writ petitions also which need to be disposed of along with these appeals.
3. The appellants/writ petitioners are aggrieved by the judgment dated 13.07.2023 passed by a Full Bench of the High Court of Meghalaya, which upheld the orders issued by the Deputy Commissioner, East Jaintia Hills District on 07.07.2023 regarding the demolition of the coke plants constructed by the appellants. In the connected writ petitions also, somewhat similar relief has been sought.
4. In sum and substance, the issue that fell for consideration before the High Court was the implementation of the recommendations made by a Committee headed by a former Judge of the High Court. The

said Committee was constituted, pursuant to the directions issued in PIL jurisdiction to investigate the illegal mining in the State of Meghalaya and to determine the legality of the coke plants, which were allegedly set up without obtaining the mandatory consent to operate, environmental clearances, and other pre-conditions for setting up industrial units like coke plants.

5. It seems that while the High Court was seized of the matter, it issued some directions from time to time and pursuant thereto, the Deputy Commissioner, East Jaintia Hills District passed the order dated 07.07.2023 for demolition of alleged illegal/unauthorized coke plants.

6. The appellants laid challenge to that order of the Deputy Commissioner before the High Court and vide the impugned judgment, the High Court upheld the orders of demolition after holding that they had constructed the manufacturing units without consent to establish and without following the mandatory provisions of the respective environmental laws.

7. It further seems from the record that the State Pollution Control Board, Meghalaya had issued a notification dated 23.12.2020 in purported exercise of its statutory powers under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution Act), 1981 laying down the norms/criteria for setting up coke plants of various capacities. The said Notification was challenged before the High Court, primarily on the ground of lack of jurisdiction in the State Pollution Control Board to prescribe such norms. The High Court, vide judgment dated 07.03.2023, set aside the Notification dated

23.12.2020 and further took notice of the statement made before it by the State Pollution Control Board that the Board was in the process of reviewing the Notification dated 23.12.2020, apparently for laying down the revised norms/criteria for setting up the coke plants and thus, upheld the demolition of coke plants.

8. It is thereafter that the State, being the Competent Authority, has now notified the new/revised norms vide Notification dated 29.07.2024.

9. Soon after the impugned judgment of the High Court, the appellants/writ petitioners approached this Court and while issuing notice, as an interim measure, this Court directed the demolition of coke plants in terms of the order issued by the Deputy Commissioner, East Jaintia Hills District shall remain stayed, subject to the condition that the said Deputy Commissioner will seal the coke plants and keep them non-operational.

10. During the pendency of these proceedings, now the State has notified the revised norms, referred to above.

11. That being the state of affairs, we do not deem it necessary to keep these appeals and writ petitions pending before us.

12. Suffice it would be to dispose of the same in the following terms:-

(i) The appellants/writ petitioners or other similarly placed persons may submit applications within one month from today for regularization of their existing structures as per the Notification dated 29.07.2024;

(ii) Such applications shall be scrutinized by the prescribed authority in a time-bound manner and a final decision shall be taken not later than three months from

the date of submission of the applications;

(iii) Where the coke plants, though constructed fully or partially, without obtaining requisite prior permissions, are found to conforming with the norms laid down in the Notification dated 29.07.2024, such coke plants shall be regularized;

(iv) However, where the coke plants are found to be partially complying with the norms laid down in the Notification dated 29.07.21024, a reasonable time shall be given to them to rectify the deficiencies and re-submit their applications for regularization in a time-bound manner;

(v) No coke plants shall be allowed to operate till a formal order of regularization is passed;

(vi) Such coke plants which cannot fulfil the norms/criteria laid down under the Notification dated 29.07.2024 shall have to be demolished, for which a time of not more than four weeks shall be granted to each coke plant after determination of their claim; and

(vii) Till the exercise, as directed above, takes place, the interim protection granted by this Court shall continue to operate.

13. It is clarified that we have not expressed any opinion on the merits of the claims of the appellants or writ petitioners and it is for the prescribed authority to examine such claims on their own merits, and in accordance with law as per the Notification dated 29.07.2024. Further, the new norms shall not be relaxed without prior permission of the High Court.

14. Ordered accordingly.

15. The Civil Appeals and Writ Petitions are disposed of in the above terms.

16. Pending applications, if any, also stand disposed of.

.....J
(SURYA KANT)

.....J
(UJJAL BHUYAN)

NEW DELHI
25TH NOVEMBER, 2024.

ITEM NO.37

COURT NO.3

SECTION X

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

Writ Petition(Civil) No.720/2023

DRUK FUELS LIMITED

Petitioner(s)

VERSUS

THE STATE OF MEGHALAYA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.132844/2023-STAY APPLICATION)

WITH

SLP(C) No. 15310/2023 (XIV)

(IA No.134604/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

W.P.(C) No. 748/2023 (X)

(FOR ADMISSION and IA No.139787/2023-STAY APPLICATION)

SLP(C) No. 17238-17239/2023 (XIV)

(IA No. 149049/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 149048/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES & IA No. 149047/2023 - PERMISSION TO FILE SPECIAL LEAVE PETITION)

W.P.(C) No. 897/2023 (X)

(FOR ADMISSION)

W.P.(C) No. 1229/2023 (X)

(FOR ADMISSION)

Date : 25-11-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s)

Ms. Malvika Diwedi, Sr. Adv.

Ms. Noor Rampal, AOR

Ms. Bani Dikshit, Adv.

Mr. Uddhav Khanna, Adv.

Mr. Shailendra Slaria, Adv.

Ms. Sujal Gupta, Adv.

Mr. Amarjeet Singh, AOR

Mr. Prabhat Kumar Rai, Adv.

Mr. Ajay Kumar Pandey, Adv.

Mr. Sandeep Singh, AOR

Mr. Siddhesh Shirish Kotwal, Adv.

Mr. Samar Vijay Singh, AOR
 Mr. Keshav Mittal, Adv.
 Ms. Ana Upadhyay, Adv.
 Ms. Manya Hasija, Adv.
 Mr. Tejasvi Gupta, Adv.
 Mr. Pawan Upadhyay, Adv.
 Ms. Sabarni Som, Adv.
 Mr. Fateh Singh, Adv.

Ms. Bani Dikshit, Adv.
 Mr. Udhav Khanna, Adv.
 Mr. Mukesh Kumar, AOR

For Respondent(s)

Ms. Garima Jain, AOR

Mr. Amit Kumar, Advocate General,
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 Ms. Rekha Bakshi, Adv.
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 Ms. Marbiang Khongwir, Adv.
 Mr. P.S. Negi, Adv.
 Mr. Upender Mishra, Adv.

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

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

1. Leave granted in all the Special Leave Petitions.
2. The appeals and writ petitions are disposed of, in terms of the signed order.
3. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)
 ASTT. REGISTRAR-cum-PS

(SAROJ KUMARI GAUR)
 ASSISTANT REGISTRAR

(Signed Order is placed on the file)