

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

WRIT PETITION(S) (CIVIL) NO(S).657/1995

RESEARCH FOUNDATION FOR SCIENCE  
TECHNOLOGY & NATURAL RESOURCE POLICY                      PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.    RESPONDENT(S)

O R D E R

1.            Perused the Office Report for Directions dated 29<sup>th</sup> August, 2018.

2.            The paragraph Nos. 2 and 3 of Order dated 05.07.2017 passed by this Court in Writ Petition (C) No.657 of 1995 shall now be read as under :

"2. The next question, that arose for consideration, was the reimbursement of total cost for incineration with reference to 133 containers of waste oil/used oil, which has been borne by the Customs Department. It was decided, that the aforesaid amount be recovered from the importers of the illegally imported waste oil/used oil. It is pointed out on behalf of the petitioner, that in compliance with the order dated 17.2.2017, the entire cost had been recovered, except an amount of Rs.39,91,800/-. The above balance amount was to be recovered from M/s. Shivpriya Overseas Pvt. Ltd.

3.            Besides the aforestated waste oil containers, reference was also made to 212 containers, out of which 190 containers contained waste oil/used oil, and 22 containers contained non-ferrous metallic

scrap. Insofar as, the incineration of the waste oil/used oil is concerned, an affidavit dated 17.4.2015 was filed by Commissioner of Customs indicating, that the Customs Department had expended Rs.4,57,88,140/- (rupees four crores, fifty seven lakhs, eighty eight thousand, one hundred and forty, only). The above amount had to be recovered from 19 importers. The position, as it obtains presently is, that out of the 19 importers, only 6 importers indicated hereinbelow, have not yet reimbursed the entire cost of incineration, to the (Customs) Department:

- i) M/s. PCS Petrochem
- ii) M/s. Shivpriya Overseas Pvt. Ltd.
- iii) M/s. Sri Sai Prasanna Trading
- iv) M/s. Ronito International
- v) M/s. Shyama International
- vi) M/s. Kamal International"

3. Office report is ordered accordingly.

....., J.  
(RANJAN GOGOI)

....., J.  
(NAVIN SINHA)

....., J.  
(K.M. JOSEPH)

NEW DELHI  
AUGUST 30, 2018

ITEM NO.1

COURT NO.2

SECTION PIL-W

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

I.A. NO.59 IN WRIT PETITION(S)(CIVIL) NO(S). 657/1995

RESEARCH FOUNDATION FOR SCIENCE  
TECHNOLOGY & NATURAL RESOURCE POLICY

Petitioner(s)

VERSUS

U O I &amp; ORS.

Respondent(s)

WITH  
OFFICE REPORT OF DIRECTION

SLP(C) No. 16175/1997 (XIV)C.A. No. 7660/1997 (IV)

Date : 30-08-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE NAVIN SINHA  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Parties (s)

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Mr. Sunny Choudhary, AOR  
Mr. Abhimanyu Singh, Adv.

Mr. Sanjay Parikh, AOR

Ms. B. Vijayalakshmi Menon, AOR

Mr. K. Radhakrishnan, Sr. Adv.  
Mr. Arijit Prasad, Adv.  
Mr. T.A. Khan, Adv.  
Mr. B. Krishna Prasad, AOR

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Mr. Hitesh Kumar Sharma, Adv.  
Mr. Vinay Upadhyaya, Adv.  
Mr. Anil Kumar Jha, AOR

Mr. Kunal Verma, AOR

Mr. Mukesh Verma, Adv.  
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Ms. Sushma Suri, AOR

Mr. Sudarsh Menon, AOR

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Ms. Mamta Singh, Adv.

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Mr. Ajit Kumar Sinha, Sr. Adv.  
Mr. Anish Kumar Gupta, Adv.  
Mr. Amit Sharma, Adv.  
Ms. Kiran Bhardwaj, Adv.  
Mr. Raj Bahadur, Adv.  
Mr. Chandra Shekhar Suman, Adv.  
Mr. Raj Bahadur, Adv.  
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Mr. Gopal Singh, AOR  
Mr. Aditya Raina, Adv.

Mr. Gaurav Agrawal, AOR

Mr. Ejaz Maqbool, AOR

Mr. E. C. Agrawala, AOR

Mr. Bijoy Kumar Jain, AOR

Mr. Atishi Dipankar, AOR

Mr. Ashwani Bhardwaj, AOR

Mr. Ashok Mathur, AOR

Mr. Shuvodeep Roy, AOR  
Mr. Rituraj Biswas, Adv.

Mr. Shuvodeep Roy, AOR  
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Mr. Mohd. Waquas, Adv.

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Mr. S. Prabu Ramasubramanian, adv.

Mr. S. Manuraj, Adv.

Mr. Leishangthem Roshmani, Adv.

Ms. Maibam Babina, Adv.

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

Perused the Office Report for Directions  
dated 29<sup>th</sup> August, 2018.

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- iv) M/s. Ronito International
- v) M/s. Shyama International

vi) M/s. Kamal International"  
Office report is ordered accordingly.

I.A. NO.59

Heard the learned counsels for the parties and perused the relevant material.

Copies of the report of Dr. Indumathi M. Nambi, Professor of Environmental & Water Resource Engineering, Department of Civil Engineering, Indian Institute Technology-Madras, as well as the documents submitted by the CSIR- Indian Institute of Toxicology Research, Lucknow be furnished to Shri Purushaindra Kaurav, learned Advocate General, Madhya Pradesh, who will interact with the concerned officials of the State Government to formulate an Action Plan insofar as both piped-water in the 42 localities in question as well as ground water involved is concerned.

In formulating the Action Plan, the State of Madhya Pradesh will consult Dr. Nambi and also the applicant/petitioner-Bhopal Group for Information and Action and such of the experts who may be nominated by the applicant-petitioner.

The learned Advocate General for the State has very fairly submitted that the present is not in the nature of an adversarial litigation and the

State will, on its own, make efforts to prepare the Action Plan in consultation with all stake-holders and thereafter, subject to approval of the Court, implement the same in the right earnest.

Learned Advocate General has further submitted that though results cannot be achieved overnight the State of Madhya Pradesh is committed to ensuring that the quality of ground water as well as piped-water is enhanced to such optimum levels as may be possible.

On the aforesaid note, we adjourn the cases for two months to enable the Action Plan to be prepared in terms of the present order whereafter the same will be submitted to this Court for approval/further orders.

So far as the implementation of the drainage and sewage lines are concerned, the State is directed to take up the matter on a priority basis and complete the works as quickly as possible.

Needless to say, the monitoring of the piped-water will be done every quarterly and the report(s) thereof be made available in public domain.

Dr. Indumathi M. Nambi, Professor of

Environmental & Water Resource Engineering, Department of Civil Engineering, IIT-Madras, Dr. K.C. Khulbe, Head, Research Planning & Business Development, CSIR-IITR, Lucknow, Dr. Satyakam Patnaik, Head, Water Analysis Lab, CSIR-IITR, Dr. R.C. Murthy, Consultant, CSIR-IIT, Mr. Vijay Chandra, Member Secretary, M.P. State Legal Services Authority, Ms. Rachna Dhingra, Member, Bhopal Group for Information and Action, are present in Court today. While acknowledging their presence we direct that they need not to be present in the Court until their presence is requested by the Court.

Dr. K.C. Khulbe, Head, Research Planning and Business Development has placed before the Court a proposal dated 13<sup>th</sup> June, 2018 titled as "Comprehensive Assessment of the Existing UCIL Site at Bhopal for the Proposed Construction of the Memorial with Recourse to Remediations and Preservation of Structures", addressed to the Principal Secretary, Bhopal Gas Tragedy Relief and Rehabilitation Department. The same is taken on record. A copy of the same be handed over to the learned Advocate General so that necessary

interaction in terms of the present order and on the aforesaid proposal shall also be made.

List the matter(s) after two months.

(NEETU KHAJURIA)  
COURT MASTER

(SAROJ KUMARI GAUR)  
BRANCH OFFICER

(Signed order is placed on the file.)