

Case Note: Case concerning the pollution of the Ganga by effluents discharged by riparian industries.

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1992(1)SCALE196, 1992Supp(2)SCC633

IN THE SUPREME COURT OF INDIA

Decided On: 20.01.1992

M.C. Mehta

v.

Union of India (UOI) and Ors.

Hon'ble Judges:

N.M. Kasliwal and M. Fathima Beevi, JJ.

ORDER

N.M. Kasliwal and M. Fathima Beevi, JJ.

1. In compliance to the order of this Court dated 10.1.2.91 notices have been published in the newspapers to all riparian industries of river Ganga. A direction was given to file the affidavits before 15.1.92 but only some of the industries have filed replies before that date. It has been prayed on behalf of the other industries that they may be granted four weeks time to file their affidavits. All the industries are permitted to file their affidavits within four weeks from today. As regards respondent No. 396, Shanker Straw Boards their affidavit filed on 16.1.92 was returned by the office as late by one day. It is now directed that Shankar Straw Boards may file their affidavit within a week and the same would be accepted by the office. List the case on 19.2.92 at the bottom of the miscellaneous pages. The application filed by Shri M.C. Mehta for appointing a committee shall be considered on the next date.

Distilleries Mat tare;

As regards distilleries matters, the State Pollution Control Board shall serve the report on all the distilleries within three days. The distilleries are permitted to file reply within two weeks thereafter. The matters with regard to distilleries may be posted on 12.2.92.

Tannary matters:

In compliance of the order dated 1.11.91. the sites of concerned tanneries were inspected by Shri A.K. Sharma. Assistant Environment Engineer, UP, Pollution Control Board. A copy of the compliance report dated 28.11.91 has been submitted by the Regional Officer, UP Pollution Control Board, Kanpur. According to the said report 4 tanneries

(out of 18 tanneries who had been directed to be operated) have although taken advantage of the order dated 1.11.91 for operating their tanneries and discharging their trade effluent but they are not operating their primary treatment plant. In view of these circumstances it is directed that the following four tanneries shall be closed.

1. M/s. Aizaz Tannery, Jajmau, Kanpur. 2. M/s. Shabnam Tannery, Jajmau, Kanpur. 3. M/s. Decant Leather Finishers, Jajmau Kanpur. 4. M/s. Zunaid Tanning Industries, Jajmau, Kanpur.

A copy of this order may be sent to the District Magistrate, Kanpur to take steps for closing down these four tanneries.

2. In the order dated 1.11.91 this Court had granted three weeks time to the nine tanneries for depositing full amount of contribution failing which it was directed that their tanneries would be closed down. According to the report only one tannery, namely, M/s. Adil & Company, Jajmau, Kanpur had deposited full amount of contribution while the other eight tanneries have not deposited their full amount of contribution. learned Counsel appearing for M/s. Hindustan Tannery Pvt Ltd. pointed out that the full amount of contribution has now been deposited by the said company. In view of this statement made by the learned Counsel, no further order is necessary at this stage, as regards M/s. Hindustan Tannery Pvt. Ltd. is concerned.

3. As regards the following five tanneries learned Counsel has stated that applications were submitted on their behalf for modifying the earlier order in respect of the amount of contribution shown in the demand notice but the same were dismissed by the Pollution Control Board. learned Counsel submits that he has filed objections before this Court with regard to the dismissal of their applications for modifying the amount of contribution. Those objections would be considered by this Court on the next date.

1. M/s. Universal Leather Finishers, Jajmau, Kanpur. 2. M/s. Union Tanning Industries, Jajmau, Kanpur. 3. M/s. Mona Tanning Industries, Jajmau, Kanpur. 4. M/s. Star Tannery, Jajmu, Kanpur. 5. M/s. Indian Tanning Industries, Jajmau, Kanpur.

4. As regards M/s. Greater Arafat Tanners, Jajmau, Kanpur, learned Counsel submits that an application has been submitted to the Board for modifying the amount of contribution but the same has not been disposed of so far. The Board shall now consider such application and pass appropriate orders with regard to the said company. As regards M/s, Amin Leather Finishers and M/s. Fatima Leather Crafts, it has been reported that their applications for modifying the amount of contribution has already been rejected by the Board. No objection of any such order of the Board has been filed by these companies before this Court. In view of these circumstances, for these companies also me District Magistrate, Kanpur shall take appropriate steps for closing down their industries.

5. As regards the following 13 tanneries it has been submitted, in the report that the site is being inspected and suitable orders have yet to be passed by the Board. The Board is allowed to do so and submit the report within four weeks. The case of the following 13 tanneries would also be considered on 19.2.92.

1. M/s. Delhi Tannery, Jajmau, Kanpur. 2. M/s. Elahi Tannery, Jajmau, Kanpur. 3. M/s. Triveni Tannery, Jajmau, Kanpur. 4. M/s. Anerwar Leather Finishers, Jajmau, Kanpur. 5. M/s. kanpur Leather Finishers, 150

ft. Read, Jajmau, Kanpur. 6. M/s. Malik Tanning Industries P.Ltd., Jajmau, Kanpur. 7. M/s. Rafiq Tannery, 150 Ft. Road, Jajmau, Kanpur. 8. M/s. Diamond Tannary & Danisn Tanners, Jajmau, Kanpur. 9. M/s. Leather Finishers, Jajmau, Kanpur. 10. M/s. Sikandarpur Trade & Industries, Jajmau, Kanpur. 11. M/s. HK Tanning Industries, 286/268, Jajmau Kanpur. 12. M/s. Imperial Leather Finishers Chabllpurva, Jajmau, Kanpur. 13. M/s. Zeenat Tanners, Sarai Ram Rai, Jajmau, Kanpur.