

Case Note: Case concerning pollution caused by tanneries. Court ordered the setting up treatment plants by these tanneries and directed the State Pollution Control Board to inspect whether the same had been setup and submit its report to the court.

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1992(2)SCALE637, 1992Supp(2)SCC637

IN THE SUPREME COURT OF INDIA

Decided On: 03.09.1991

M.C. Mehta (Kanpur Tanneries)

v.

Union of India (UOI) and Ors.

Hon'ble Judges:

K.N. Singh and K. Ramaswamy, JJ.

ORDER

K.N. Singh and K. Ramaswamy, JJ.

1. I.A44. Nos. 5 & 6: It is stated on behalf of M/s. Madina Tannery and M/s. New Javed Tannery, Kanpur that they have already set up Primary Treatment Plant and have removed the defects pointed out by the State Pollution Control Board. We, accordingly, direct the State Pollution Control Board to inspect the establishment of these two tanneries and to submit its report to this Court as to whether the treatment plant alleged to have been set up by the tanneries is according to the standard and is in working order. The report may be submitted within four weeks.

I. A. No. 8:

2. It is stated on behalf of M/s. Himalaya Tannery that they are not carrying out any tanning operation, instead they are carrying out the working of finshing and it does not involve flow of any industrial effluent or pollution of water or atmosphere. The State Pollution Control Board is directed to inspect the factory and submit its report to this Court within four weeks.

M/s. Shalimar Leather Industries and M/s. Society Tanners:

3. It is stated on behalf of M/s. Shalimar Leather Industries and M/s. Society Tanners that they have set up the Primary Treatment Plant and removed the defects pointed out earlier. But on a perusal of the inspection report we find that they have not made any arrangement for the disposal of the sludge coming out of the Primary Treatment Plant. We, accordingly, direct these two tanneries to contact the Kanpur Nagar Mahapalika and

take immediate steps for the disposal of the sludge as directed earlier by our order dated 8.5.91. It is further stated on behalf of these two tanneries that they have already deposited their contribution towards the setting up of the secondary treatment plant. The State Pollution Control Board may verify and submit its report within four weeks.

4. On a perusal of the affidavit of Ajay Kumar Sharma, Asstt. Engineer (Environment), U.P. Pollution Control Board, Kanpur, nine tanneries have made partial payment which are as under:

1. M/s. Jajmau Leather Finishers Jajmau, Kanpur.
2. M/s. Kasif Tannery Jajmau, Kanpur.
3. M/s. Greater Arafat Tanners, Jajmau, Kanpur.
4. M/s. Hilton Tanning Industries, Jajmau, Kanpur.
5. M/s. N.R. Tanners Industries, Jajmau, Kanpur.
6. M/s. Delhi Tannery, Jajmau, Kanpur.
7. M/s. Jonaid Tanning Industries, Jajmau, Kanpur.
8. M/s. Aharwar Leather Finishers, Jajmau, Kanpur.
9. M/s. Paramount Leather Corpn., Jajmau, Kanpur.

The following tanneries have not made any deposits:

1. M/s. New Golden Tanning Industries, Jajmau, Kanpur.
2. M/s. Nav Ratan Tanning Industries, Jajmau, Kanpur.
3. M/s. Universal Tanning Industries, Jajmau, Kanpur.
4. M/s. Kohinoor Tannery, Jajmau, Kanpur.
5. M/s. Azim Trade & Exports, Jajmau, Kanpur.
6. M/s. Imperial Leather Finishers, Jajmau, Kanpur.
7. M/s. Arjun Leather Industries, Jajmau, Kanpur.
8. M/s. Alsafa Tanners Industries Jajmau, Kanpur.
9. M/s. Chaudhary Leather Finishers Jajmau, Kanpur.
10. M/s. Bhopal Tannery & Glue Works Jajmau, Kanpur.
11. M/s. Shamsheer Ki Tannery Jajmau, Kanpur.
12. M/s. Triveni Tannery, Jajmau, Kanpur.
13. M/s. Babulal Tannery, Jajmau Kanpur.
14. M/s. Maaz Tanning Industries Jajmau, Kanpur.
15. M/s. Moon Light Tannery, Jajmau, Kanpur.
16. M/s. Raj Leather Finishers Jajmau, Kanpur.
17. M/s. Shad Tanning Industries Jajmau, Kanpur.
18. M/s. Zeenat Tannery, Jajmau, Kanpur.

5. In the circumstances the aforesaid 27 tanneries are directed to be closed. The DistrictMagistrate and the authorities of the U.P. Pollution Control Board are directed to take effective steps for implementation of this Court's order. These tanneries will be allowed to function only after the entire money is deposited and a report is submitted by the U.P. Pollution Control Board to this Court.

I.A. No. 7/91: Hindustan Tanneries Pvt. Ltd.

6. It is stated on behalf of M/s. Hindustan Tanneries Pvt. Ltd. that they have already set up a primary treatment plant, as directed earlier by this Court. This fact could not be brought to the notice of the Court as a result of which the tannery has been placed under seal, pursuant to this Court's order dated 8.5.91.

7. It is further stated that the requisite deposit of Rs. 1000/- could not be made in the Registry of this Court within time. A further relief has been claimed for reducing the demand of Rs. two lacs as contribution for the setting up of secondary treatment plant. After hearing learned Counsel for the parties, we direct the U.P. State Pollution Control Board to open the seal and inspect the establishment of M/s. Hindustan Tanneries Pvt. Ltd. and if it is satisfied that the primary treatment plant has been set up and if it is in working order, the tannery may be permitted to continue its operation and a requisite certificate may be sent to this Court. We condone the delay in making deposit and permit M/s. Hindustan Tanneries Pvt. Ltd. to make the deposit of Rs. 1000/- in the Registry. So far as reduction in the contribution of Rs. two lacs is concerned, the applicant's representation may be considered by the State Pollution Control Board and suitable orders may be passed and a copy of the same may be forwarded to this Court. The I.A. is accordingly disposed of.

Hindustan Chambers of Commerce:

8 An affidavit has been filed on behalf of Hindustan Chambers of Commerce that an agreement has taken place between Kanpur Nagar Mahapalika and the Hindustan Chambers of Commerce for disposal of the sludge. On a perusal of the affidavit, it is not clear as to whether the arrangement which was agreed upon on 28.5.91 is being implemented. U.P. Pollution Control Board is directed to file affidavit as to whether the agreement alleged to have been arrived at between Kanpur Nagar Mahapalika and Hindustan Chambers of Commerce is being implemented.

9. On a perusal of the report submitted by the U.P. State Pollution Control Board, it appears that the following tanneries have not set up even the Primary Treatment Plant inspite of time being granted to them. These are as under:

1. M/s. Imperial Leather Minishors, Jajmau, Kanpur.
2. M/s. Arafat Tanners, Jajmau, Kanpur.
3. M/s. Welcome Trading Co., Jajmau, Kanpur.
4. M/s. Illahi Tannery, Jajmau, Kanpur.
5. M/s. Ishrat Finishers Industries, Jajmau, Kanpur.
6. M/s. India Enterprises, Jajmau, Kanpur.
7. M/s. Overacus Tanning Corporation, Jajmau, Kanpur.
8. M/s. M/s. Afaq Exports, Jajmau, Kanpur.
9. M/s. Lari Leather Finishers, Jajmau, Kanpur.
10. M/s. Delhi Tannery, Jajmau, Kanpur.
11. M/s. Bright Tanning Industries, Jajmau, Kanpur.

12. M/s. Alsafa Tanners, Jajmau, Kanpur.
13. M/s. Anjum Leather Industries, Jajmau, Kanpur.
14. M/s. Hiltah Tanning Industries, Jajmau, Kanpur.
15. M/s. Chaudhary Leather Finishers, Jajmau, Kanpur.
16. M/s. Malik Tanning Industries (P) Ltd., Jajmau, Kanpur.
17. M/s. Nabi Leather Finishers, Jajmau, Kanpur.
18. M/s. Bhopal Tannery & Glue Works, Jajmau, Kanpur.
19. M/s. International Tanning Industries, Jajmau, Kanpur.
20. M/s. Rafiq Tannery, Jajmau, Kanpur.
21. M/s. Aizna Tannery, Jajmau, Kanpur.
22. M/s. Diamond Tanners, Jajmau, Kanpur.
23. M/s. Danish Tanners, Jajmau, Kanpur.
24. M/s. N.R. Tanners, Jajmau, Kanpur.
25. M/s. Shabnam Tannery, Jajmau, Kanpur.
26. M/s. Evergreen Enterprises, Jajmau, Kanpur.
27. M/s. Zeenit Tannery, Jajmau, Kanpur.
28. M/s. Decent Leather Finishers, Jajmau, Kanpur.
29. M/s. Naaz Tanning Industries, Jajmau, Kanpur.
30. M/s. Zeenat Tannery, Jajmau, Kanpur.
31. M/s. Raj Leather Finishers, Jajmau, Kanpur.
32. M/s. H.E. Tanning Industries, Jajmau, Kanpur.
33. M/s. Qamruddin Ki Tannery, Jajmau, Kanpur.
34. M/s. Shamsheer Ki Tannery, Jajmau, Kanpur.
35. M/s. Sikandarpur Trade & Industries, Jajmau, Kanpur.
36. M/s. Babulal Tannery, Jajmau, Kanpur.
37. M/s. Shad Tanning Industries, Jajmau, Kanpur.
38. M/s. Triveni Tannery, Jajmau, Kanpur.
39. M/s. Ashu Chand Udyog, Jajmau, Kanpur.
40. M/s. Aherwar Leather Finishers, Jajmau, Kanpur.
41. M/s. Leather Finishing, Jajmau, Kanpur.
42. M/s. Moon Light Tannery, Jajmau, Kanpur.
43. M/s. Tanners India, Jajmau, Kanpur.
44. M/s. Paramount Leather Corpn., Jajmau, Kanpur.
45. M/s. Goodwill Tannery, Jajmau, Kanpur.
46. M/s. Deba Tanners, Jajmau, Kanpur.
47. M/s. Zumaid Tanning Industries, Jajmau, Kanpur.
48. M/s. Ahmed Bilal Leather Finishers, Jajmau, Kanpur.
49. M/s. Kanpur Leather Finishers, Jajmau, Kanpur.

10 We accordingly direct the District Magistrate and the State Pollution Control Board to take effective steps to close the aforesaid tanneries and they will not be allowed to undertake any tanning operations till they set up the Primary Treatment Plant. If any of the aforesaid tanneries are able to set up the Primary Treatment Plant, they may contact the State Pollution Control Board and obtain certificate to this effect and, thereafter, apply to this Court for appropriate orders.

11. List the writ petition (Distillery matters) on 8.10. 1991.