

Case Note: Order concerning the status of compliance with pollution laws by certain industrial units.

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IN THE SUPREME COURT OF INDIA

Decided On: 06.12.1996

World Savors

v.

Union of India (UOI) and Ors.

Hon'ble Judges:

A.M. Ahmadi, C.J. and Sujata V. Manohar, J.

ORDER

1. Having heard the learned counsel for M/s. Doon Valley Distillers as well as the learned counsel for the U.P. Pollution Control Board and having perused our order dated 24-4-1995 at which time the learned counsel for the industry had stated that so far as water pollution by the industries is concerned, it has applied the land application discharge method and has achieved the required standard, the State Pollution Control Board was asked to inquire into the matter and file an affidavit stating whether or not the industry has met with the requirements under that method. The industry was also directed to provide the required information to the State Pollution Control Board to enable it to examine and clarify the position in this behalf. The State Pollution Control Board has since examined the matter and has informed us that the industry is not meeting with the requirements. The latest Report of 2-12-1996 also says that at the time of inspection, the effluent was being pumped to nearby fields for irrigation from a tank. The effluent on being examined was found to be beyond the prescribed standard and was being sent to farmers and also used in the fields belonging to the industry which is not desirable. The Report of the U.P. Pollution Control Board clearly shows that M/s. Doon Valley Distillers do not comply with the pollution requirements and the water pollution caused by discharge of effluents to farmers and/or in their own lands is likely to cause harm to the subsoil water since the same is beyond the tolerance level. The Board has also reported that there has been no improvement since 12-7-1996. In the circumstances, we are left with no alternative but to direct the total closure of this industry. The U.P. Pollution Control Board will ensure the closure of the industry, if necessary with police force.

2. M/s. Amrit Varsha Ispat (P) Ltd., M/s. Nagrath Iron and Steel Works and M/s. Himalaya Drug Co. are satisfying the requirements and the U.P. Pollution Control Board has also so reported. So far as they are concerned, nothing further requires to be done. As

regards M/s. Kukreja Foundry and Engg. Works, while they are satisfying the requirements they belong to the red category and will have to be dealt with along with industries belonging to that category. So far as M/s. Venus Cements Ltd. are concerned, they too meet with the requirements but belong to the red category. As far as M/s. Windlas Steel Crafts, Dehradun are concerned, they too meet with the requirements but belong to the red category. As far as M/s. Road Master Steel Strips Ltd. are concerned, they too comply with the requirements but belong to the red category. Same is the case with M/s. Shivalik Rasayan Ltd. and M/s. Venus Cements Ltd. So far as M/s. R.S. Steels are concerned, they originally were shown in the orange category, but are now shown in the red category. They too are satisfying the requirements otherwise. M/s. Garhwal Steel and Alloys (P) Ltd. are also satisfying the requirements. But the allegation of the U.P. Pollution Control Board is that they are in the fragile area where they were not permitted to set up the industry. They have also been issued with a closure notice. The affidavit of Mr K.K. Jain, Joint Director, states that by the notification of 1-2-1989, it was clarified that the red category industries established before that date or those permitted by the Ministry of Environment and Forests after examination of the environmental impacts may be allowed to continue their operations provided they are meeting and continue to meet the prescribed pollution-control standards and are maintaining adequate environmental-control facilities. The learned counsel for the Pollution Control Board states that all the eight industries shown in the red category were set up prior to 1-2-1989 and are found to be meeting the environmental requirements and the prescribed pollution-control standards. That being so, they are entitled to continue under the notification of 1-2-1989.

3. List after the winter holidays.