

(2018) 07 BOM CK 0141
In the Bombay High Court
Case No : Writ Petition No. 981 OF 1997

Conservation Action Trust

APPELLANT

Vs

Union of India & Ors

RESPONDENT

Date of Decision : 17-07-2018

Acts Referred:

Constitution of India, 1950 — Article 32, 47, 48A, 51A(g), 226
Monopolies and Restrictive Trade Practices Act 1969 — Section 15, 16, 17, 162
Environment??(Protection) Act, 1986 — Section 3(2), 3(3), 5

Citation : (2018) 07 BOM CK 0141

Hon'ble Judges : A.S. OKA, J; RIYAZ I. CHAGLA, J

Bench : Division Bench

Advocate : Mihir Desai, Rithika R.K., Saranga Ugalmugle, R.S. Apte, Parag Vyas, N.D. Sharma, A.B. Vagyani, R.A. Salunkhe

Final Decision : Disposed Off

Judgement

.....

A.S. Oka, J",

1 This petition was filed before the Apex Court invoking the jurisdiction of the Apex Court under Article 32 of the Constitution of India. The prayers,

made in the petition read thus :Â?,

â??1. Issue appropriate writ, order of direction to the respondents to formulate coastal zone management plans and identify the coastal regulation",

areas as per the notification dated Feb. 19, 1991.",

2. Issue a writ, order or direction in the nature of mandamus to respondents to enforce the Coastal Zone Regulation Notification dated Feb, 19, 1991",

within a stipulated time as this Hon'ble Court may deem fit and proper,

3. Issue writ, order or direction to the respondents not to allow any

developmental activity which is violative of the Notifications dated Feb, 19, 1991",,,,,,

and June 20, 1991 in the coastal areas.",,,,,

4. Issue writ, order or direction to the respondents to prepare master/Regional Plans for the ecologically fragile area of Dahanu Taluka as stated in the",,,,,

Notification dated June, 20, 1991 within a stipulated time as this Hon'ble Court may deem fit and proper.",,,,,

5. Issue writ, order or direction to respondent no.2 to set up a coastal management monitoring committee giving due representation to local",,,,,

environmental groups in accordance with the coastal zone regulation Notifications dated Feb.19, 1991 and June 20, 1991.",,,,,

2 There were several orders passed by the Apex Court from time to time. The most important order of the Apex Court is of 31st October 1996 . In,,,,,

paragraph 1 of the said order, the Apex Court observed that the directions were sought in respect of Dahanu Taluka in the State of Maharashtra",,,,,

which was declared as an ecologically fragile area by the notification dated 20th June 1991. The Apex Court has reproduced various orders passed by,,,,,

it from time to time. The Apex Court has referred to the order dated 16th August 1995 which records the statement of the learned counsel appearing,,,,,

for the State Government that the Master Plan for Dahanu area was prepared and was submitted to the Government of India for approval. The order,,,,,

further records that a Regional Plan for Dahanu prepared by the State Government was approved by the Government of India vide letter dated 6th,,,,,

March 1996. It is stated that the approval has been conveyed subject to certain terms and conditions which are reproduced by the Apex Court in the,,,,,

aforesaid order. It appears that the Apex Court directed National Environmental Engineering Research Institute (NEERI) to consider whether the,,,,,

Master Plan was in terms of the notifications dated 20th June 1991 and 19th February 1991 (CRZ Notification). It appears that NEERI submitted a,,,,,

report before the Apex Court. Paragraph 14 of the aforesaid decision of the Apex Court refers to the said report of NEERI raising objections to the,,,,,

Master Plan. Paragraph 14 records that the report of NEERI is a useful document which will have to be considered by this Court while monitoring the,,,,,

case and also by the Authority to be constituted under the said order. Thereafter, the Apex Court referred to Articles 47, 48 and 51 of the",,,,,,

Constitution of India. The material directions of the Apex Court are contained in paragraph 16 to paragraph 19 which read thus :Â?,,,,,

â??16. We are of the view that continuous monitoring at the level of the State Government and also by some independent statutory Authority is,,,,,

necessary to protect the ecologicallyÂ?fragile Dahanu Taluka. The State Government is under an obligation to implement the town/original plan as,,,,,

approved by the Government of India subject to the conditions imposed in the official memorandum dated 6Â?3Â?1996, by the Government of India. We" ,,,,,

direct the State of Maharashtra to execute the said plan subject to the conditions and also the two notifications issued by the Government of India,,,,,

dated 19Â?2Â?1991 (CRZ Notification) and also the notification dated 20Â?6Â?1991 pertaining to Dahanu area. The State Government shall also take,,,,,

into consideration and implement all the recommendations of NEERI as reproduced by us in the earlier part of this order.,,,,,

17. We direct the Central Government to constitute an Â? Authority under Section 3(3) of the Environment (Protection) Act, 1986 and also confer on" ,,,,,

the said Authority all the powers necessary to protect the ecologicallyÂ?fragile Dahanu Taluka and to control pollution in the said area. The Authority,,,,,

shall be headed by a retired Judge of the High Court and it may have other members with expertise in the field of hydrology, oceanography, terrestrial" ,,,,,

and aquatic ecology, environmental engineering, development and environmental planning and information technology, to be appointed by the Central" ,,,,,

Government. The Central Government shall confer on the said Authority the power to issue directions under Section 5 and for taking measures with,,,,,

respect to the matters referred to Â? in clauses (Â? Â? v), (Â? Â? vi), (Â? Â? vii), (Â? Â? viii), (Â? Â? ix), (Â? Â? x) and (Â? Â? xii) of subÂ?section (2) of" ,,,,,

Section 3 of the Environment (Protection) Act, 1986." ,,,,,

18. The Central Government shall constitute the Authority before 20Â?12Â?1996. The Authority so constituted by the Central Government shall,,,,,

consider and implement the â??precautionary principleâ?? and â??the polluter paysâ?? principle. The Authority shall also consider and implement the,,,,,

recommendations of NEERI as quoted above. Needless to say that the Authority shall ensure the implementation of the two notifications mentioned in,,,,,

the order above.,,,,,

19. We are further of the view that it is not necessary for this Court to monitor

this case any further. It can be better done by the High Court. We," ,,,,,

therefore, transfer this petition to the High Court to be treated as a petition under Article 226 of the Constitution of India and to be dealt with in" ,,,,,

accordance with law. We request the Chief Justice of the Bombay High Court to constitute a "Green Bench" for the purpose of adjudicating the ,,,,,

environmental matters filed in the Bombay High Court. On our suggestion, "Green Benches" are already functioning in Calcutta, Madhya ,,,,,

Pradesh, Madras, Allahabad and Punjab High Courts. While monitoring this matter, the High Court shall deal with the hazardous and noxious" ,,,,,

industries operating in the Dahanu Taluka in accordance with law, keeping in view the town/Regional Plan, the Government of India notifications and" ,,,,,

the NEERI report. It will be open to the State Government to approach the High Court for any clarification, if necessary." (underlines supplied)" ,,,,,

3 In view of what is directed in paragraph 16, the State Government was under an obligation to implement the Regional Plan approved by the" ,,,,,

Government of India on 6th March 1996 subject to the conditions imposed in the memorandum dated 6th March 1996 issued by the Government of ,,,,,

India. The direction of the Apex Court was to the State Government to execute the said plan subject to the conditions in the said memorandum and ,,,,,

also the notification dated 19th February 1991 (CRZ Notification) and the notification dated 20th June 1991. The State Government was directed to ,,,,,

take into consideration and implement all the recommendations of NEERI on the said sanctioned plan while implementing and executing the said plan. ,,,,,

The Apex Court directed the Central Government to constitute an Authority under Section 3(3) of the Environment Protection Act, 1986 (for short" ,,,,,

"the said Act of 1986"). Subsection (3) of Section 3 of the said Act of 1986 reads thus : " ,,,,,

3. Power of Central Government to take measures to protect and improve environment. " ,,,,,

(1) Subject to the provisions of this Act, the Central Government, shall have the power to take all such measures as it deems necessary or expedient" ,,,,,

for the purpose of protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution." ,,,,,

(2) In particular, and without prejudice to the generality of the provisions of subsection (1), such measures may include measures with respect to all" ,,,,,

or any of the following matters, namely: " , , , , ,

(i) co-ordination of actions by the State Governments, officers and other authorities " , , , , ,

(a) under this Act, or the rules made thereunder, or " , , , , ,

(b) under any other law for the time being in force which is relatable to the objects of this Act; , , , , ,

(ii) planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution; " , , , , ,

(iii) laying down standards for the quality of environment in its various aspects; , , , , ,

(iv) laying down standards for emission or discharge of environmental pollutants from various sources whatsoever: , , , , ,

Provided that different standards for emission or discharge may be laid down under this clause from different sources having regard to the quality or , , , , ,

composition of the emission or discharge of environmental pollutants from such sources; , , , , ,

(v) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall " , , , , ,

be carried out subject to certain safeguards; , , , , ,

(vi) laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such , , , , ,

accidents; , , , , ,

(vii) laying down procedures and safeguards for the handling of hazardous substances; , , , , ,

(viii) examination of such manufacturing processes, materials and substances as are likely to cause environmental pollution; " , , , , ,

(ix) carrying out and sponsoring investigations and research relating to problems of environmental pollution; , , , , ,

(x) inspection of any premises, plant, equipment, machinery, manufacturing or other processes, materials or substances and giving, by order, of such " , , , , ,

directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of " , , , , ,

environmental pollution; , , , , ,

(xi) establishment or recognition of environmental laboratories and institutes to carry out the functions entrusted to such environmental laboratories and , , , , ,

institutes under this Act;,,,,,

(xii) collection and dissemination of information in respect of matters relating to environmental pollution;,,,,,

(xiii) preparation of manuals, codes or guides relating to the prevention, control and abatement of environmental pollution;" ,,,,,

(xiv) such other matters as the Central Government deems necessary or expedient for the purpose of securing the effective implementation of the,,,,,
provisions of this Act. ,,,,,

(3) The Central Government may, if it considers it necessary or expedient so to do for the purposes of this Act, by order, published in the Official" ,,,,,

Gazette, constitute an Authority or authorities by such name or names as may be specified in the order for the purpose of exercising and performing" ,,,,,

such of the powers and functions (including the power to issue directions under section 5) of the Central Government under this Act and for taking ,,,,,

measures with respect to such of the matters referred to in subÂ?section (2) as may be mentioned in the order and subject to the supervision and ,,,,,

control of the Central Government and the provisions of such order, such Authority or authorities may exercise the powers or perform the functions or" ,,,,,

take the measures so mentioned in the order as if such Authority or authorities had been empowered by this Act to exercise those powers or perform ,,,,,

those functions or take such measures.â?? ,,,,,

4 There is a specific reference to subÂ?section (3) of Section 3 in the aforesaid order which means that the Apex Court directed constitution of an ,,,,,

Authority for the purposes of exercising and performing such of the powers and functions of the Central Government including the power to issue ,,,,,

directions under Section 5 of the Central Government under the said Act of 1986 and for taking measures with respect to such matters referred to in ,,,,,

subÂ?section (2) as mentioned in the order. Further part of paragraph 17 records that the Central Government shall constitute an Authority in respect ,,,,,

to the matters referred in clauses (v), (vi), (vii), (viii), (ix), (x) and (xii) of subÂ?section (2) of Section 3. Therefore, the Authority was to be empowered" ,,,,,

to exercise powers of the State Government to take measures including measures of imposing restriction of areas in which any industry, operations or" ,,,,,

processes or class of industries, operations or processes shall not be carried out. Even a power to take inspection of premises, plant, equipment," ,,,,,

machinery, etc. and power to give direction was to be conferred on the said Authority. Paragraph 18 gives a direction to the Authority so constituted",,,,,

to implement "precautionary principle" and "polluter pays" principle. The Authority was directed to consider and implement recommendations,,,,,

of NEERI as quoted in the judgment. What is material is paragraph 19 wherein this petition which was filed as a petition under Article 32 of the,,,,,

Constitution of India was ordered to be treated as a petition under Article 226 of the Constitution of India. It was ordered to be assigned to a,,,,,

"Green Bench" constituted by the Hon'ble the Chief Justice of this Court. Apart from directing this Court to treat the petition as the one under,,,,,

Article 226 of the Constitution of India, this Court was directed to deal with the hazardous and noxious industries operating in the Dahanu Taluka in",,,,,

accordance with law, keeping in view the town/Regional Plan. We, therefore, propose to direct the State Government to file an affidavit placing the",,,,,

data on record of various industries operating in Dahanu Taluka which are covered by the notification dated 20th February 1991. Though the Hon'ble,,,,,

the Chief Justice has not constituted Green Bench, this is the Bench constituted to deal with the environment matters and that is how, we are dealing",,,,,

with this petition.,,,,,

5 Effect was given to the directions of the Apex Court by the Government of India by the notification dated 19th December 1996 by constituting the,,,,,

Dahanu Taluka Environment Protection Authority (for short "the said Authority"). The Committee is headed by a retired Judge of this Court,,,,,

Hon'ble Shri Justice C.S. Dharmadhikari. The constitution,,,,,

of the Committee underwent change from time to time. However, Justice Dharmadhikari continues to be the Chairman. What is material is paragraph",,,,,

2 of the said notification which reads thus :Â",,,,,

"2. The Authority shall exercise the following powers and perform the following functions, namely :Â",,,,,

(i) exercise of powers under section 5 of the Environment (Protection) Act, 1986 for issuing directions and for taking measures with respect to",,,,,

matters referred to in clauses (v), (vi), (vii), (viii), (ix), (x) and (xii) of subsection (2) of section 3 of the said Act;"",,,,,

(ii) to protect the ecologically fragile areas of Dahanu Taluka and to control pollution in the said area;,,,,,

(iii) to consider and implement the "Precautionary Principle" and the "Polluter Pays Principle";,,,,,

(iv) to consider and implement the recommendations given by the National Environmental Engineering Research Institute, Nagpur, in respect of" ,,,,,

Dahanu Taluka;,,,,,

(v) to ensure the implementation of the notifications issued by the Government of India in the Ministry of Environment and Forests No.S.O. 114(E),,,,,

dated the 19th February, 1991 and No.S.O. 416(E) dated the 20th June, 1991;" ,,,,,

(vi) to comply with the relevant orders issued by the Bombay High Court and the Supreme Court from time to time;,,,,,

(vii)to deal with any other relevant environment issues pertaining to Dahanu Taluka, including those which may be referred to it by the Central" ,,,,,

Government in the Ministry of Environment and Forests.â?? ,,,,,

6 Apart from conferring powers of the Central Government under various clauses of Section 5, the said Authority was entrusted with the responsibility" ,,,,,

to protect the ecologically fragile area of Dahanu Taluka and to control pollution in the said area. On 15th May 1997, an order was made by the" ,,,,,

Ministry of Environment creating certain posts on the establishment of the said Authority for a period of one year. As far as the constitution of the ,,,,,

said Authority is concerned, by the aforesaid notification, initially the Authority was constituted for a period of five years. By an order dated 9th" ,,,,,

September 2002 passed by the Apex Court, it was directed that the Authority shall continue to function till further orders. Accordingly, a Gazette" ,,,,,

notification was issued by the Government of India modifying the notification dated 19th December 1996 by specifying that the Authority shall ,,,,,

Sr.

No.,"Salary for the

month of",Amount Rs.,Date of Payment,Date of Refund,"No. of

Days for

Refund

1,April 2013,"Rs.59,706",30th April 2013,27th June 2013,58 days

2,May 2013,"Rs.55,663",31st May 2013,27th June 2013,27 days

3,June 2015,"Rs.2,27,063",30th June 2015,06 Aug. 2015,37 days

4, April 2016, "Rs.1,26,500", 30th April 2016, 31st May 2016, 31 days

5, April 2017, "Rs.1,40,000", "30th April, 2017", 01st July 2017, 62 days

6, "Dec, 2017", "Rs.1,70,983", 31st Dec. 2017, 26th Feb. 2018, 57 days

incorporation of the requirement of the approval of the said Authority in paragraph 15.10 of the Regional Plan. The second clarification was that,,,,,

whether before issuing a notification sanctioning a draft Regional Plan, whether draft notification is required to be sent to the said Authority for its",,,,,

scrutiny. Perhaps, it is because of this clarification sought that though the Regional Plan (1995-2015) was approved by the Central Government by",,,,,

the letter dated 21st September 2015 with certain conditions, it appears that the same has not been notified. There is an affidavit dated 23rd April 2018",,,,,

filed by Shri Prakash Bhukte on behalf of the State Government. He has referred to the aforesaid correspondence and stated that as far as the",,,,,

Dahanu Municipal Council area is concerned, the Urban Development Department has prepared a draft Development Plan under the provisions of the",,,,,

MRTD Act in respect of the area falling in municipal limits and has submitted the same for sanction of the Central Government. It is stated that the",,,,,

said draft Development Plan for the Dahanu Municipal Council area was submitted to the Central Government on 5th January 2017 seeking approval",,,,,

and certain queries were made by the Central Government which have been already replied.",,,,,

13 It appears that the Regional Plan which was approved by the Central Government on 21st September 2015 is not yet notified and brought into",,,,,

force, perhaps on the ground that Development Plan for Dahanu Municipal Council area has to be in conformity with the Regional Plan and unless",,,,,

Development Plan is approved, the Regional Plan cannot be notified. In all this exercise, perhaps the State Government has ignored condition no.3",,,,,

imposed in the letter dated 21st September 2015 by which the Central Government directed the State Government to initiate the work of preparation of",,,,,

the next Regional Plan. In fact, time limit of two years was granted on 21st September 2015 to the State Government. This direction of the Central",,,,,

Government has not been implemented.",,,,,

14 The first issue on which clarification was sought by the Government of Maharashtra from the Central Government was whether it is necessary to",,,,,

seek approval of the said Authority for various projects and whether it is necessary to so mention in clause No.15.10. We have referred to the powers,,,,, conferred on the said Authority under the notification dated 19th December 2016. Apart from the powers under various clauses under sub-Â?section (2),,,,, of Section 3, the power of the Central Government under Section 5 to issue directions has been conferred on the said Authority. One of the important",,,,, functions of the said Authority is to protect the ecologically fragile areas of the Dahanu Taluka and to control pollution in the said area. If the said duty,,,,, is to be effectively performed by the said Authority which is empowered to exercise various powers of the Central Government, no project which is",,,,, coming up in the declared ecologically fragile area of Dahanu Taluka can be permitted without referring the proposal to the said Authority for its,,,,, scrutiny and clearance. If such a course is not adopted, the notification dated 19th December 1996 will become a dead letter. Such approach will",,,,, defeat the directions issued by the Apex Court of constituting the said Authority. Therefore, in our view, the Hon'ble Chairman of the said Authority is",,,,, right in saying what is stated in the letter dated 27th October 2015 that to protect ecologically fragile area of the Dahanu Taluka and to control the,,,,, pollution in the said area, it is necessary that the projects which are referred in the Regional Plan will have to be referred to the said Authority for its",,,,, scrutiny and clearance. Even if there is no such provision in paragraph No.15.10 of the draft Regional Plan which is approved by the Central,,,,, Government, no such project can be cleared either by the State Government or the Central Government without clearance by the said Authority. It is",,,,, not at all necessary for the State Government to withhold the notification of bringing the Regional Plan of 1995Â?2015 approved by the Central,,,,, Government on 21st September 2015 in force on the ground that the clarification as sought is not received. We fail to understand the purport of the,,,,, second clarification sought by letter dated 13th November 1996. The letter itself record that before granting sanction to the said draft Regional Plan,",,,, the Ministry of Environment, Forest and Climate Change had sought views of the said Authority. As noted earlier, in fact, the said views were",,,,, forwarded by the said Ministry to the State Government along with its letter dated 22nd April 2015 directing the State Government to incorporate the,,,,, suggestions of the said Authority in the draft Regional Plan and to submit the same to the Central Government. Therefore, it goes without saying that",,,,,

the final notification of the Regional Plan (1995-2015) ought to have been submitted to the said Authority for submitting its views. We, therefore," ,,,,,

propose to issue necessary directions in this behalf.,,,,,

15 Now, coming to the employees of the Authority, there are affidavits filed on record by the Central Government contending that the work of the" ,,,,,

Authority is of a temporary nature and therefore, the benefits of 5th Pay Commission and subsequent Pay Commissions cannot be granted to the" ,,,,,

employees of the said Authority and they cannot be given permanency. The only basis of the stand taken by the Central Government is that the said ,,,,,

Authority is temporary in nature and ,,,,,

therefore, no benefits can be granted to the staff. As stated earlier, it is true that initially the said Authority was appointed under the notification dated" ,,,,,

19th December 1996 for a period of five years and under the order dated 9th September 2002 passed by the Apex Court, the term of the Authority is" ,,,,,

extended till further orders. The Authority, as stated earlier, is exercising the powers of the Central Government under sub-section (2) of Section 3" ,,,,,

and Section 5 of the said Act of 1986. Looking to the purport of the directions issued by the Apex Court by the order dated 31st October 1996, it is" ,,,,,

apparent that even after disposal of this petition, the Authority will continue to exist. Therefore, the Central Government will have to reconsider its" ,,,,,

decision which is based on a completely wrong premise that the Authority is temporary in nature. As the stand taken is based on a wrong premise, at" ,,,,,

this stage, it is not necessary for us to consider applicability of recommendations of the 5th, 6th and subsequent Pay Commissions to the employees of" ,,,,,

the Authority as once it is held that the Authority is permanent, all the benefits will have to be extended." ,,,,,

16 Unfortunate situation was created from the year 2013 and onwards till the year 2017. As a result of the failure of the Central Government to ,,,,,

release the grant to the said Authority the Hon'ble Chairman was forced to pay the salary to some of the employees of the said Authority from his ,,,,,

pocket. As indicated in one of our earlier order dated 24th April 2018, this Court would have been justified in directing the payment of interest on" ,,,,,

the amounts paid by the Hon'ble Chairman from the date of payment of the amounts till the date on which the Hon'ble Chairman received ,,,,,

reimbursement. There is absolutely no justification offered by the Central

Government to this lapse. Due to this continuous lapse, a retired Judge of" ,,,,,
this Court who has retired way back in the year 1989 was forced to utilise his
pension amount and salary amount for payment of salary to the,,,,,
employees. He has done so with a view to ensure that the orders of the Apex
Court are not defeated and the employees continue to work. Instead of,,,,,
quantifying the rate of interest, we propose to direct the Central Government to
pay the sum of Rs.15,000/Â? to the Hon'ble Chairman by way of" ,,,,,
interest;,,,,,

17 Annual budget of the said Authority for the financial year 2018Â?2019 has
been already submitted. It will be appropriate if the Authority submits the,,,,,
budget at least one month before the,,,,,

commencement of every new financial year. We propose to direct the Central
Government to approve the budget which may be submitted by the,,,,,

Authority and to ensure that quarterly salary and nonÂ?salary grant payable to
the Authority is released in advance in the last week of April, June," ,,,,,

September and December so that employees receive their salary and
emoluments regularly and punctually.,,,,,

18 Hence, we issue the following directions :Â?" ,,,,,

ORDER,,,,,

(i) We direct the State Government to immediately notify the Regional Plan
(1995Â?2015) and bring the same into force after getting final notification,,,,,

approved from the said Authority. We make it clear that no project contemplated
by paragraph No.15.10 of the draft Regional Plan shall be approved,,,,,

by either the Central Government or the State Government without prior
clearance by the said Authority;,,,,,

(ii) We direct the Central Government to immediately consider the Development
Plan submitted by the State Government for the Dahanu municipal,,,,,

area and take a decision thereon as expeditiously as possible and in any event
within three months from today;,,,,,

(iii) We direct the State Government to implement the direction issued by the
Central Government on 21st September 2015 of taking up the work of,,,,,

preparation of next Regional Plan. As the time fixed by the Central Government
has already expired, we direct the State Government to prepare draft" ,,,,,

of the next Regional Plan as expeditiously as possible and in any event within a
period of six months from today. Within six months from today, the" ,,,,,

said draft shall be submitted to the Authority for its suggestions and after completing the procedure under the MRTP Act, the final draft shall be" ,,,,,

forwarded to the Central Government for its approval;,,,,,

(iv) We direct the Central Government to pay a sum of Rs.15,000/Â? to the Hon'ble Chairman of the said Authority on account of interest. The said" ,,,,,

amount shall be paid within a period of one month from the date on which this order is uploaded;,,,,,

(v) It will be appropriate if the said Authority submits its budget to the Ministry of Environment, Forest and Climate Change of the Government of" ,,,,,

India one month before the commencement of every new financial year. After approving the budget, the salary and nonÂ?salary grant shall be" ,,,,,

released by the Central Government to the said Authority in advance in quarterly installments to be paid in the last week of April, last week of June," ,,,,,

last week of September and last week of December. We make it clear that any default with these directions will be viewed very seriously;,,,,,

(vi) We hold that the said Authority created under the orders of the Apex Court is a permanent feature. We, therefore, direct the Central Government" ,,,,,

to reconsider its decision of denying permanency to the employees of the said Authority and denying benefits of recommendations of the 5th, 6th and" ,,,,,

consequently 7th Pay Commissions. Appropriate decision shall be taken by the Central Government in the light of what is held in this order within a" ,,,,,

period of three months from the date on which this order is uploaded;,,,,,

(vii) We request the said Authority to place data of various industries operating in Dahanu Taluka for the purposes of dealing with the hazardous and" ,,,,,

noxious industries in terms of paragraph 19 of the directions issued by the Apex Court. We direct the State Government to file an affidavit placing" ,,,,,

necessary material on this behalf on or before 24th August 2018;,,,,,

(viii) For issuing further directions, the petition shall be listed on 31st August 2018 under the caption of â??Directionsâ??. In view of the request made" ,,,,,

by the Apex Court in paragraph 19 of the aforesaid Judgment and Order to constitute a Green Bench, we direct the Registrar (JudicialÂ?I) to invite" ,,,,,

attention of the Hon'ble the Acting Chief Justice to the observations made in paragraph 19 of the said order;,,,,,

(ix) Place the petition under the caption of â??Directionsâ?? on 31st August 2018. ,,,,,