
(2000) 05 SC CK 0052

In the Supreme Court Of India

Case No : Writ Petition. (C) 418 Of 1998

Imtiaz Ahmed

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 02-05-2000

Acts Referred:

Environment Protection Act, 1986 — Section 3

Citation : (2001) CriLJ 4941 : (2000) 9 SCC 209

Hon'ble Judges : S. N. Variava, J;G. B. Pattanaik, J;Doraiswamy Raju, J

Bench : Full Bench

Judgement

1. The latest inspection report, filed by the Central Pollution Control Board, points out certain infirmities and deficiencies. Mr Gupta appearing for M/s Shree Acids Chemicals Ltd. contends that these deficiencies were not pointed out earlier and it is only a later innovation of the authorities who have inspected the factory premises and, according to Mr Gupta the Central Pollution Control Board has been changing its stand. In view of this contention of Mr Gupta, we think it appropriate to call upon another independent agency to inspect the site and examine the report submitted by the Central Pollution Control Board and give its opinion as to whether the infirmities, pointed out by the Central Pollution Control Board, are correct or not, and to what extent the industry in question has complied with the necessary requirements. We think it appropriate to request NEERI which will send two of its competent officers to inspect the factory premises with notice to Shree Acids Chemicals, and after intimating also the officers of the Central Pollution Control Board, so that they can also depute their officers at the time of inspection. The report in question may be submitted to the Court within 2 months. The necessary expenses will be borne by the Company. The Company should deposit tentatively a sum of Rs. 30,000.00 within two weeks. Chadha Rubber Ltd.

2. Chadha Rubber has a similar grievance as Shree Acids Chemicals Ltd., and since Shree Acids Chemicals and Chadha Rubber are situated adjacent to each

other, the NEERI authorities should also inspect the premises of Chadha Rubber and express its opinion as to whether the deficiencies pointed out in the latest report of the Central Pollution Control Board are correct or not. Chadha Rubber should deposit Rs. 20,000.00 initially within two weeks to meet the expenses of the NEERI people. Since the factory premises are adjacent to each other, the travelling expenses of the officers of NEERI may be shared equally by Shree Acids Chemicals and Chadha Rubber Ltd., but the officers are entitled to their remuneration separately for their visit and inspection. INSILCO

3. So far as INSILCO is concerned, from the affidavit filed on behalf of the Company, it appears that the Company has taken all prohibitory measures and the compliance with the recommendations made by the Central Pollution Control Board. Even according to the Central Pollution Control Board, the infirmities are minimal in nature. In that view of the matter, it would be appropriate that the Central Pollution Control Board should reinspect the premises of INSILCO, and submit a status report of the same. This may be done within 2 months from today.

4. Put up in the month of August 2000.