
(2000) 09 SC CK 0064

In the Supreme Court Of India

Case No : IA No"s. 69 and 71 in WP (C) No. 13381 of 1984 with IA No"s. 74-95
in Suo Motu Contempt Petition (C) No. 176 of 1999

M.C. Mehta

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 13-09-2000

Acts Referred:

Citation : (2004) 4 SCALE 1 : (2003) 10 SCC 727

Hon'ble Judges : M. Jagannadha Rao, J;M. B. Shah, J

Bench : Division Bench

Final Decision : Allowed

Judgement

IAs Nos. 69 and 71

1. The State of U.P. wants to come forward with a new scheme. Six weeks" time is granted to file this scheme. Copy of the same will be given to Shri M.C. Mehta and Shri K. Mahajan and the counsel appearing on behalf of the Department of Archaeology. Thereafter, they will give their response within two weeks. In the meantime, if the parties want to file their response to the affidavit filed by the Ministry of Civil Aviation, they may do so. The Department of Archaeology may also file their response to the affidavit filed by the Ministry of Civil Aviation.

2. List after eight weeks.

Matter regarding Agra Slaughterhouse

3. An order was passed by this Court on 30-4-2000, calling for a progress report in regard to the Agra Slaughterhouse. Subsequently, a further order was passed on 2-5-2000. directing Agra Nagar Nigam to file a fresh report within one month regarding the progress of the work and also mentioning any problems faced by it in relation to the establishment of the new slaughterhouse or in regard to the funds.

4. An affidavit has been filed by Shri O.P.N. Singh of Agra Nagar Nigam. In para

3 of the said affidavit, the following "problems" are mentioned:

(a) U.P. Power Corporation Ltd. has to install a new 5 MVA transformer at Kuberpur Substation for providing uninterrupted power supply to the new slaughterhouse project site.

(b) Northern Railway has to complete the staff quarters and other facilities at the new level crossing on the approach road to the new slaughterhouse.

(c) Chilling room and frozen store as recommended by CPCB is to be provided in the new slaughterhouse, with the assistance from NDDB and funds from Central and State agencies will have to be built up in new buildings and machines, plants and electrical works required therein may take many more months for construction works and installation and commissioning of various machines.

(d) GAIL is not in a position to provide CNG to the new slaughter house for operating generator sets for alternative power supply as also operating the boiler on CNG.

5. In para 4, problems relating to the "funds" are also mentioned:

(a) A tentative revised project and cost schedule for Rs. 1074.74 lakhs has been prepared and submitted to the Government of U.P. and the Government of India. This has to be examined technically and financially in detail for implementation of the recommendations of CPCB. The original project was approved for Rs. 854.30 lakhs, funds for which had been entirely released to ANN.

(b) Additional funds are required as regards the chilling room and frozen store facilities and will have to be duly assessed by NDDB who are the technical consultants for the new slaughter house project.

(c) The additional funds required for the CNG connection to the new slaughter house project site can be assessed by GAIL only after it is ordered for by the Hon'ble Court.

6. In para 7, the "progress" of the civil construction works, mechanical and electrical works, effluent treatment plant, boiler-boring, LPG supply system, 11 KV power supply and railway level crossing have been mentioned. Reference is made in para 12 of a meeting of the Agra Slaughterhouse Project Implementation Monitoring Committee. It had taken the following important decisions:

1. Agra Nagar Nigam is not handling the meat trade and is only providing service facility.

2. Other recommendations of CPCB which were valid could be implemented in a phased manner.

3. If the chilling and freezing facilities remained preconditions for the new slaughter house then it is likely to take many more months before it is commissioned. The closure of the old slaughter house is likely to encourage

illegal slaughter in and around Agra, which shall forfeit the very purpose of building a modern slaughter house.

4. Trial runs shall be conducted after the Hon''ble Supreme Court allows the same.

7. It will be noticed that the said Committee felt that inasmuch as Agra Nagar Nigam was not handling meat trade and was only providing service facility, the other recommendations of the Central Pollution Control Board could be implemented in a phased manner. It was also pointed out that if the chilling and freezing facilities remained preconditions, the new slaughter house cannot become functional in the near future and delay in operating the new slaughter house is likely to encourage illegal slaughter in and around Agra, which would defeat the very purpose of building a modern slaughter house. It was also pointed out that the trial runs would be conducted after the Hon''ble Supreme Court passes orders,

8. An affidavit on the same lines has also been filed by Shri M.S. Bhatnagar, Senior Executive (PUR), National Dairy Development Board, New Delhi. On the basis of the above recommendations, Agra Nagar Nigam has now pleaded in the affidavit filed on its behalf, to allow commissioning of the new slaughter house for the present and has stated that the remaining recommendations of the Central Pollution Control Board would be complied with in a phased manner, if so permitted by this Court. Agra Nagar Nigam has also submitted that tentative revised project and cost schedule for Rs 1074.74 lakhs to the Government of India and the Government of U.P. and these have to be examined by the Government.

9. In the light of the above requests made by Agra Nagar Nigam, we allow Agra Nagar Nigam to commission the new slaughter house, within one month from today, It is made clear that this permission does not mean that Agra Nagar Nigam need not implement the other recommendations of the Central Pollution Control Board and that the said recommendations have to be implemented in a phased manner. Agra Nagar Nigam and the Central Pollution Control Board in consultation with other bodies will work out a scheme as to the manner in which the further recommendations of the Central Pollution Control Board have to be implemented and place it before this Court within five weeks from today.

10. The Government of India and the Government of U.P. are directed to examine the revised project and cost schedule for Rs. 1074.74 lakhs.

11. It appears that in respect of the earlier schedule of costs furnished by the National Dairy Development Board, still a balance of rupees two crores twenty-one lakhs and odd has to be released. In respect of the release of the above amount, an affidavit will be filed by the Ministry of Agriculture, Government of India and the Nagar Vikas Vibhag, Government of U.P., within one month from today.

12. Mr P.P. Malhotra, learned Senior Counsel appearing on behalf of the Union of India, who is present, is requested to take steps to inform the Ministry/ Department concerned about this order, Mr Ajay Agarwal, counsel appearing for the State of U.P., who is present, will also take steps to inform the Department concerned to file the necessary affidavit. Agra Nagar Nigam will also file a report within five weeks from today, as to in what manner it has commissioned the slaughter house and also in regard to the scheme for phased implementation of recommendations of the Central Pollution Control Board.

13. This order will be communicated to the Nagar Vikas Vibhag of U.P. Government also.

14. List after six weeks.

15. The remaining matters pertaining to the I As, namely, IAs Nos. 74 to 95 in WP (C) No. 13381 of 1984, as shown in these proceedings will be listed on 14-9-2000.