

(1990) 09 SC CK 0074

In the Supreme Court Of India

Case No : Interlocutory Application No's. 3 and 4 in Writ Petition (C) No. 3727 of 1985

M.C. Mehta (III)

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 11-09-1990

Acts Referred:

Citation : (1990) 2 SCALE 609 : (1991) 1 SCC 181 Supp

Hon'ble Judges : Kuldeep Singh, J;K. N. Singh, J;K. Jagannatha Shetty, J

Bench : Full Bench

Final Decision : Disposed Of

Judgement

1. This Court by its order dated 29.3.1990 appointed a Committee of Experts to visit Kanpur and submit its report after inspection of the Treatment Plants alleged to have been set up by a number of Tanneries. This order was passed with a view to ascertain the correct facts. The Committee so appointed visited Kanpur, inspected the Tanneries and the Primary Treatment Plants and it has submitted a detailed report. The Committee reported that some of the Tanneries have not taken any steps for installing Primary Treatment Plants and they are continuing to discharge the industrial effluent without treating the same. The Committee has further reported that some of the Primary Tanneries have no doubt installed Primary Treatment Plants but they are not operating and maintaining the same properly. While in others the Primary Treatment Plants though installed are not in working order. Some of those who have installed the Primary Treatment facilities do not operate the same regularly. The Committee has categorised on the basis of its inspection, the existing tanneries in five categories as detailed in report. It has also made recommendations for taking suitable steps including imposition of heavy fine on the tanneries. Since the respondent- tanneries challenged the correctness of the report of the Committee, the Court afforded opportunity to them for filing objections. The objections so filed have been considered by us after hearing learned Counsel for the parties at length. We do not find any merit

in the objections. We, accordingly, accept the report submitted by the Committee.

2. The Committee has recommended for taking punitive steps against the tanneries but after hearing learned Counsel for the parties we are postponing the punitive action as we would grant one more opportunity to the tanneries for compliance of the order of this Court for setting up Primary Treatment Plants to avoid pollution. It is not necessary to refer to the earlier orders of this Court where detailed instructions had been issued to the tanneries as they are fully aware of the steps which they were directed to take.

3. In accordance with the report of the Committee of Experts we issue the following directions:-

1) All the tanneries falling within Category-B of the Report are directed to ensure that the Primary Treatment Plant installed by them have proper solid waste disposal within a period of six weeks. After taking the effective measures, the tanneries will submit report to the State Pollution Control Board and obtain certificate from them. Thereafter they may approach this Court for further orders, if necessary. The tanneries falling within this category are: M/s. NS Tannery, M/s. Allahabad Tannery (M/s. Premier Alarmil Tannery), M/s. Pioneer Leather- Finishers (P) Ltd., M/s. Tannery & Footwear Corporation of India.

2) The tanneries falling within Category-C have several defects in treatment as pointed out by the Committee inasmuch as 'their operation and maintenance is rudimentary and the plant is not in regular operation. The tanneries are directed to remove the defects and keep the Primary Treatment Plant in regular operation. They are allowed six weeks' time for removing the defects. These tanneries are: M/s. Enterprise Tanning Industries (Popular Tannery), M/s. Mughis Tanners (M/s. Bengal Tannery M/s. Purwanchal Tanning Industries (Crown Leather Finishers (Perfect Tanners), M/s. Indian National Tannery, M/s. Mone Tanning Industries, M/s. New Universal Tannery, M/s. Super Tannery (India) Ltd. Unit No. 2, M/s. Ideal Tanning industries, M/s. Bright Tanning Industries, M/s. Nadri Tanning Industries, M/s. Pacific Leather Finishers (Haroon Tannery), M/s. Himalayan Tanners, M/s. Sultan Tanners, M/s. Rahim Tanners (M/s. Tajman Tannery), M/s. M.KJ, Corporation, M/s. Usman Leather Finishers (Old name M/s. United Tannery), M/s. Abdullah Tannery, M/s. Society Tanners, M/s. U.P. Tannery Co. Pvt. Ltd. CM/s. Shewan Tannery, M/s. Super Tannery (India) Ltd., M/s. Zaz Tannery, M/s. Sultan Tanning Industries, M/s. Allied Tannery, M/s. Upper India Tannery, M/s. Asia Tannery (Pvt.) Ltd., M/s. Indian Tanning Industries, M/s. Shalitnar Leather Industries, M/s. Universal Leather Finishers, M/s. Northern Tannery & M/s. Ordinance Equipment Factory.

3) The tanneries which are included in Category D-I of the Report, namely, M/s. Famous Tannery, M/s. Peryej Enterprises (M/s. Mehboob Tannery), M/s. Himalayan Tanner, M/s. Commercial Tannery & M/s. Kamal Tanning Industries have not installed any Primary Treatment Plant and they have also failed to obtain approval letter from the State Pollution Control Board even though the

tanneries are in operation. We accordingly direct that these tanneries shall be closed forthwith. The District Magistrate, Kanpur is directed to ensure the compliance of this order. However, these tanneries may take measures to remove the defects pointed out by the Committee and to obtain certificate from the State Pollution Control Board, thereafter they may approach this Court, for obtaining further orders for operating their tanneries.

4) The tanneries falling in Category D-2 do not have treatment plant in working order, and it needs rectification, repairs and removal of defects. These tanneries are directed to take steps for removal of the defects to ensure effective operation of Primary Treatment Plant within six weeks. On the removal of the defects, the tanneries will obtain certificates from the State Pollution Board. If no certificate is obtained within a period of six weeks, the Pollution Board and the District Magistrate shall ensure closure of these tanneries and in the event of obtaining certificate from the Board, the tanneries may if necessary, approach this Court for further orders. These tanneries are: M/s. Chungal Tanning Industries, M/s. RA Trades & Industries, M/s. Avadh Tannery, M/s. New Javed Tannery, M/s. Globe Tannery, M/s. Star Tannery, M/s. Everest Tanning Industries, M/s. New Moonlight Tanning Industries (DD Tannery), M/s. Madina Tannery (Nishat Tannery), M/s. Fatima Leather Crafts (Galaxi Tannery), M/s. Sunrise Tannery), M/s. Ajanta Tannery (Dawn Tannery), M/s. SM Leather Industries, M/s. Union Tanning Industries, M/s. Hindustan Tanneries (P) Ltd., M/s. New Light Tannery (P) Ltd., M/s. Habib Tannery (P) Ltd., and M/s. Helal Tanning Industries.

4. Delay in depositing the money is condoned.

5. We record our appreciation of the commendable work done by the Members of the Committee in undertaking the work assigned to them, their report has been of great assistance to the Court in dealing with the vexed problem. Under this Court's order dated 29th March, 1990, the Committee has been paid a sum of Rs. 25,000/- we direct that a further sum of Rs. 15,000/- (Rupees Fifteen Thousand) shall be paid to the Committee. The Registry will take steps for remitting the amount to the Committee.

6. Shri M.C. Mehta, has been rendering yeoman service to the public cause of recovered prevention of pollution of River Ganga, he deserves our commendation. In order to enable him to meet the expenses, we direct the Registry to pay a sum of Rs. 10,000/- to him out of the money which is in deposit under the orders of the Court dated March 29, 1990;

7. All Interlocutory Applications are disposed of accordingly.