

**(1996) 01 SC CK 0075**

**In the Supreme Court Of India**

**Case No : SLP (C) No. 617 of 1995 (CC No. 5436 of 1995)**

Textile Processors' Association, through its Jt. Secretary Nitin Thakker APPELLANT

Vs

Chief Secretary, State of Gujarat and Others RESPONDENT

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**Date of Decision : 04-01-1996**

**Acts Referred:**

Constitution of India, 1950 — Article 136, 21, 226

**Citation :** (1996) 1 AD 464 : (1996) 3 GLR 521 : (1996) 1 JT 210 : (1996) 1 SCC 772 : (1996) 1 SCR 155

**Hon'ble Judges :** K. Ramaswamy, J;G. B. Pattanaik, J

**Bench :** Division Bench

**Advocate :** G. Ramaswamy A.M. Singhvi, Revathy Raghavan, Sonia Hurra and Ganapathy, for the Appellant;

**Final Decision :** Disposed Of

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## **Judgement**

1. Delay condoned. This SLP filed by the Association seeks leave to file the appeal. The main grievance sought to be brought to our notice by Shri G. Ramaswamy, learned senior counsel is that some industries of the petitioner-Association are outside the Zone and effluents discharged from these industries are not directly leading to Kharicut Canal affecting the water in 11 villages identified by the High Court. Though the High Court had given positive finding in favour of the industries, nonetheless the High Court had directed them to contribute 1 per cent of the gross turnover. Many of the industries which the petitioner-Association is representing, are running in losses. Consequently, each industry is required to pay the amount as directed by the High Court from their corpus and not from the profits.

2. Dr. A.M. Singhvi, the learned Senior counsel further points out that the units are already having temporary treatment plan and secondary treatment plan and they accumulate the effluents so that discharge would not arise. Unless the industries start working, it would be difficult to generate income by these

industries, to comply, with the directions issued by the High Court. Therefore, by virtue of the order passed by the High Court practically all the industries, as found by the High Court, though were not discharging the effluents polluting the water leading to the 11 villages, were prevented to run the operations. Consequently, they are put to great loss. In view of these averments, we think it is a matter to be gone into not by us but by the High Court. We are not inclined to exercise the jurisdiction under Article 136 of the Constitution for the reason they are matters for the High Court to be looked into. Counsel for the petitioner undertakes to file the application for review and in fitness of things, it would be open to each industry affected by the order to approach the High Court and place necessary facts before it and seek appropriate direction, if deemed necessary. Liberty is given to them to file the application as expeditiously as possible. It would be open to the High Court to dispose of the same according to exigency.

3. The SLP is accordingly disposed of.