

ITEM NO.12 Court 3 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 1711-1712/2021

GRASIM INDUSTRIES LIMITED CHEMICALS DIVISION
AND STAPLE FIBRE DIVISION

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH & ANR.

Respondent(s)

(IA No.59787/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.59785/2021-EX-PARTE STAY and IA No.59790/2021-
EXEMPTION FROM FILING O.T.)

Date : 11-05-2021 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE B.R. GAVAI

For Appellant(s) Mr. Neeraj Kishan Kaul, Sr. Adv
Mr. Rajat Jariwal, Adv
Mr. Anupinder Jassal, Adv
Ms. Saniya Mirani, Adv
M/S. Khaitan & Co., AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Mr. Neeraj Kishan Kaul, learned Senior Advocate appearing for the appellant submits that the penalty in the sum of Rs. 75 lakhs each on two counts was imposed by the Joint Committee in its report dated 05.02.2021 for non-compliances of directions as under:-

(a) "The industry shall install online flow meter in CS2 stacks to quantify the CS2 emission."

The relevant direction in that behalf was issued by MPPCB on 13.05.2020.

According to the learned counsel, installation was done in January, 2021 and the delay was occasioned as a result of Covid-19

Pandemic.

(b) "The industry shall include their by-product acid in hazardous waste authorization."

The relevant direction was also issued by MPPCB on 13.05.2020.

In its response dated 23.10.2020, the petitioner had submitted that Hydrochloric acid was a By-product in Chlor-alkali process and as such would not require authorisation under Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. It was submitted that as the By-product was being utilized in the prescribed manner, the requisition issued by MPPCB was incorrect.

Mr. Kaul therefore submits that in the circumstances, the imposition of penalty in the sum of Rs.75 lakhs on each count was uncalled for.

Appeals admitted.

As regards interim relief, issue notice, returnable on 27.07.2021.

Pending further consideration, the effect and operation of the judgment under appeal shall remain stayed.

**(INDUMARWAH)
COURT MASTER (SH)**

**(NISHA TRIPATHI)
BRANCH OFFICER**