

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3813 OF 2019

BHARAT PETROLEUM CORPORATION LIMITED

APPELLANT(s)

VERSUS

CHARUDATT PANDURANG KOLI & ORS.

RESPONDENT(s)

O R D E R

Admit.

The present appeal has been filed on the basis of a limited grievance against the impugned order of the National Green Tribunal¹ dated 7 March 2019.

Mr. Tushar Mehta, learned Solicitor General of India submits that the appellant is aggrieved only by the direction for the deposit of an amount of Rs 2.5 crores by the appellant with the Central Pollution Control Board² for restoration of the environment.

As the matter stands at present, the NGT has, upon receipt of a report submitted by the CPCB on the action plan furnished by the appellant, recorded the statement of the appellant that the observations of the CPCB will be met and a revised plan consistent with those observations will be submitted within a period of three weeks. The CPCB was directed to oversee compliance of the action plan and to furnish its interim action taken

1 “NGT”

2 “CPCB”

report within a period of three months.

The learned Solicitor General has placed on the record a statement indicating that the appellant has, after the judgment of the NGT dated 18 December 2015, expended an amount (approximately) of Rs 20 crores for ensuring environmental compliance. Moreover, it has been submitted that the appellant, as stated before the NGT, is committed to implementing such observations as the CPCB may have in regard to the action plan, as proposed. However, it has been urged that, at this stage, the deposit of an amount of Rs 2.5 crores by the appellant (out of a total amount of Rs 10 crores directed to be deposited by the four parties before the NGT) may not be insisted upon pending an evaluation of the compliance effected by the appellant. He submits that the appellant as a PSU which is conscious of its obligations is willing to abide by the directions of the CPCB for controlling pollution.

On the other hand, Mr. Nikhil Nayyar, learned senior counsel appearing on behalf of the original applicants before the NGT (Respondent Nos 1 to 4) submits that the aforesaid direction may not be interfered with at this stage since the CPCB, which is required to monitor compliance, requires additional deposits for the purpose of meeting its own expenditure. Moreover, learned counsel submitted that if the CPCB requires to purchase additional equipments for the purpose of monitoring and

for the restoration of the environment, the deposit would be necessary to meet the expenditure.

In order to obviate the above submissions, the learned Solicitor General submitted that the appellant would be ready and willing to meet its proportionate costs of such expenses, as may be borne by the CPCB. If the CPCB furnishes a statement before the NGT, the appellant would respond in affirmative terms.

In view of the fair attitude which has been shown by the appellant before this Court, we are of the view that, at the present stage, it would be appropriate to dispense with the requirement of an amount of Rs 2.5 crores with the CPCB. However, we leave it open to the CPCB to quantify the deposit, if any required from the appellant so as to enable the CPCB to monitor compliance, meet its expenditure and to undertake necessary precautionary measures in accordance with law. The appellant shall effect deposit within two weeks of being called upon to do so by the CPCB.

Subject to reserving liberty in the above terms, we dispense with the deposit of Rs 2.5 crores by the appellant with the CPCB at this stage. We also leave it open to the NGT to pass appropriate orders in the pending proceedings.

The appeal is disposed of in the above terms. There shall be no order as to costs.

.....J.
(DR DHANANJAYA Y CHANDRACHUD)

.....J.
(HEMANT GUPTA)

NEW DELHI
APRIL 22, 2019

ITEM NO.24

COURT NO.11

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).3813/2019

BHARAT PETROLEUM CORPORATION LIMITED

Appellant(s)

VERSUS

CHARUDATT PANDURANG KOLI & ORS.

Respondent(s)

(WITH IA No.61975/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.61974/2019-EX-PARTE STAY)

Date : 22-04-2019 This appeal was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

For Appellant(s) Mr. Tushar Mehta, SG
Mr. K.V. Vishwanathan, Sr. Adv.
Mr. Rajat N., Adv.
Mr. Mukul Gupta, Adv.
Mr. Manish K. Bishnoi, AOR
Mr. Archit Gupta, Adv.

For Respondent(s) Mr. Nikhil Nayyar, Sr. Adv.
Mr. Yashraj Singh Deora, Adv.
Mr. Sangramsingh R. Bhonsle, Adv.
Mr. Sameer Abhyankar, AOR
Mr. Aditee V. Dongrawat, Adv.
Mr. Siddharth A. Mehta, Adv.
Mr. Samridhi S. Jain, Adv.
Mr. Akshay Joshi, Adv.

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

Admit.

The appeal is disposed of in terms of the signed
order. There shall be no order as to costs.

Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)

AR-CUM-PS

(Signed order is placed on the file)

(SAROJ KUMARI GAUR)

COURT MASTER