

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). 10582/2017

MUNICIPAL COMMISSIONER,
ULHASNAGAR MUNICIPAL CORPORATION

Appellant(s)

VERSUS

VANASHAKTI PUBLIC TRUST & ORS.

Respondent(s)

([AT 2.00 P.M.]

(IA No. 19148/2023 - APPLICATION FOR PERMISSION, IA No. 53816/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 133836/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 125629/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 111855/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 50097/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 26892/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 66013/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 19576/2018 - EXEMPTION FROM FILING O.T., IA No. 66011/2017 - PERMISSION TO BRING ON RECORD ADDITIONAL FACTS AND DOCUMENTS, IA No. 125628/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 101251/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 182803/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 50096/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 66789/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA No. 66012/2017 - STAY APPLICATION)

WITH

C.A. No. 10794/2017 (XVII)

(IA No. 16717/2020 - APPLICATION FOR PERMISSION, IA No. 58914/2019 - APPLICATION FOR PERMISSION, IA No. 65953/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 65956/2017 - PERMISSION TO BRING ON RECORD ADDITIONAL FACTS AND DOCUMENTS, IA No. 66786/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 65951/2017 - STAY APPLICATION)

C.A. No. 10795/2017 (XVII)

(IA No. 69857/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 69863/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 10796/2017 (XVII)

(IA No. 71409/2017 - EX-PARTE STAY)

C.A. No. 4635/2022 (XVII)

(IA No. 89828/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 89830/2022 - EXEMPTION FROM FILING O.T., IA No.

150632/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 104338/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA No. 89826/2022 - STAY APPLICATION)

Date : 21-03-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) Mr. S.C. Birla, AOR
Mr. Subrat Birla, Adv.

Mr. Aman Varma, AOR
Ms. Riya Wasade, Adv.

Mr. Kush Chaturvedi, AOR

Mr. Vishesh K., Adv.
Ms. Anshula Grover, AOR
Mr. Nitika Grover, Adv.

For Respondent(s) Mr. Tushar Mehta, Solicitor General
Ms. Aishwarya Bhati, A.S.G.
Mr. Mukesh Verma, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Kamal Kumar Pandey, Adv.
Mr. Shashank Singh, Adv.
Mr. Yash Pal Dhingra, AOR
Mr. Satya Mitra, AOR

Mr. Zaman Ali, Adv.
Ms. Srishti Agnihotri, AOR
Ms. Sanjana Grace Thomas, Adv.
Mr. D P Singh, Adv.
Ms. Tara Elizabeth Kurien, Adv.

Mr. Mukesh Verma, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Shashank Singh, AOR

Mr. Rahul Chitnis, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.

Ms. Aishwarya Bhati, A.S.G.
Ms. Archana Pathak Dave, Sr. Adv.

Mr. Gurmeet Singh Makker, AOR
Ms. Suhashini Sen, Adv.
Mr. Raghav Sharma, Adv.
Mr. T.S. Sabarish, Adv.
Mr. Udai Khanna, Adv.

Mr. Saurabh Mishra, AOR
Ms. Bhumi Agrawal, Adv.
Mr. Shrimay Mishra, Adv.
Mr. Nirbhaya S Tiwari, Adv.
Mr. Rakesh Chander, Adv.

Mr. S. C. Birla, AOR

Mr. Soumik Ghosal, AOR
Mr. Shyamali Gadre, Adv.
Mr. Gourav Singh, Adv.
Mr. Dhruv Mehta, Sr. Adv.
Mr. G. Pal, Adv.

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

We have perused the compliance affidavit dated 14th March, 2024 filed on behalf of the State Government which records that by a circular dated 21st February, 2024, a new vigilance team has been constituted consisting of 10 members. The Circular also lays down the scope of work entrusted to the vigilance team.

The learned counsel appearing for Vanashakti Public Trust (respondent no.1) invited our attention to the paragraph nos. 2 and 3 of the compliance affidavit. He states that though the earlier Committees have found large scale violations, the criminal law has not been set in motion in accordance with Section 19 of the Environment (Protection) Act, 1986 against the violators. We find merit in the said contention inasmuch as any violation of the provisions of the Environment (Protection) Act, 1986, the Rules framed thereunder and the orders issued thereunder from time to time, becomes an offence.

We direct the vigilance team constituted under the Circular dated 21st February, 2024 to look into the work done by the earlier two vigilance teams and after examining the reports of the earlier Committees and after making site visits, if required, shall report to the concerned Authorities to enable the concerned Authorities to not only take action under the Water (Prevention and Control of Pollution) Act, 1974 or the Air (Prevention and Control of Pollution) Act, 1981, but also to set the criminal law in motion.

We grant time of three months from today to the vigilance team constituted under the Circular dated 21st February, 2024 to submit a report to this Court about the steps taken by the said Committee.

For considering the other part of the compliance with the directions issued under the order dated 14th February, 2024, for which, the State was granted time till 22nd April, 2024, list the Appeals on 2nd May, 2024 at 2:00 p.m.

An affidavit of compliance by the State shall be filed on or before 26th April, 2024.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)