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BEFORE THE HIGH COURT OF JUDICATURE OF M.P.  
AT JABALPUR

Writ Petition No. 280 / 2004

WRIT PETITION UNDER ARTICLES 226 & 227 OF THE  
CONSTITUTION OF INDIA

PETITIONER

ALOK PRATAP SINGH  
son of Late Shri. Jang Bahadur Singh,  
aged about 50 years, Resident of :  
F-83/51, Tulsi Nagar,  
Bhopal, M.P.

*EAP  
6825*

//VERSUS//

RESPONDENTS

1. A Union of India,  
Through, Ministry of Environment &  
Forest,  
New Delhi.

*Responded as iser dated 17.10.04*

B. Departments of Chemicals and Pesticides  
Ministry of Chemicals and Fertilizers  
New Delhi.

*Answer per to dated 17/10/04*

5. Union Carbide Corporation,  
400, W. Sam Houston Pkway,  
South Houston,  
TX - 77042, U.S.A.

6. Eveready Industries (I) Ltd.  
Regd. Office : 1, Middleton Street,  
Kolkata - 770071

CONSTITUTION OF INDIA

1. PARTICULARS OF THE PETITIONER: -

As mentioned above in the cause title.

2. PARTICULARS OF THE RESPONDENTS: -

As mentioned above in the cause title.

3. PARTICULARS OF THE ORDER AGAINST WHICH THE  
PETITION IS MADE: -





# HIGH COURT OF MADHYA PRADESH

ORDER SHEET

CASE No. .... 200 .....

..... Vs. ....

DATE OF THE ORDER	ORDER
	<p style="text-align: center;"><b>W.P.No.2802 of 2004</b></p> <p>16.12.2008</p> <p>Heard Mr. Naman Nagrath, learned counsel for the petitioner, Mr. Shekhar Sharma learned counsel appearing for the Union of India/respondent No.1, Mr. R.N. Singh, learned Advocate General for the State of Madhya Pradesh/respondent No.2, Mr. V.S. Shroti learned Senior Counsel with Mr. Ashish Shroti learned counsel for the M.P. State Pollution Control Board/respondent No.3, Mr. A.M. Singhvi, learned Senior Advocate, Mr. Ravindra Shrivastava, learned Senior Advocate, Mr. Kishore Shrivastava, learned Senior Advocate with Ms Shiraz Patodia, learned Advocate, Mr. Pankaj Singh, learned Advocate and Ms Priyanka Sharma, learned Advocate appearing for Dow Chemical Company/respondent No.4, Mr. Shreyash Dharmadhikari, learned counsel appearing for the Gujarat State Pollution Control Board/Intervener and Mr. Manoj Sharma, learned counsel appearing for Centre for Environment and Forests/intervener..</p> <p>After hearing learned counsel for parties including the Gujarat State Pollution Control Board, the Court had passed orders on 17.9.2008 directing the Central Pollution Control Board to depute its officers to visit the BEIL incinerator in the first week of October, 2008 and further directing that the report of the team along with an affidavit will be filed by the Union of India on or before 20<sup>th</sup> October, 2008 stating clearly therein whether the incinerator of BEIL is in a position to receive an additional incinerable waste of 350 MT from the UCIL factory at Bhopal.</p> <p>Pursuant to our order dated 17.9.2008, a team of Central Pollution Control Board (for short '<b>the CPCB</b>') inspected the BEIL Incinerator at Ankleshwar in Gujarat on 14.10.2008 and has submitted its report to the</p>





# HIGH COURT OF MADHYA PRADESH

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	<p>Control Board came to learn of the directions of this Court for transportation of 350 MT of waste to BEIL at Ankleshwar on 14.8.2008, the Gujarat State Pollution Control Board filed an application (I.A.No.7909 of 2008) for intervention in this writ proceeding and the application for intervention was allowed and the Gujarat Pollution Control Board was thereafter heard on 17.9.2008 and orders were passed on 17.9.2008 by the Court directing a team of the CPCB to carry out the inspection of the BEIL Incineration and submit a report whether the BEIL Incinerator was in a position to receive 350 MT of waste from the UCIL Factory at Bhopal. The State Government of Gujarat preferred not to intervene in the matter and point out its difficulties in allowing the transportation of waste through the State of Gujarat to the BEIL at Ankleshwar. If the State Government of Gujarat had any difficulty whatsoever, other than the difficulties pointed out by the Gujarat Pollution Control Board, it was open for the State Government of Gujarat to intervene in the matter and point out the difficulties, but State Government of Gujarat did not choose to do so and therefore, we have no option but to direct that 350 MT of waste at UCIL Factory at Bhopal will now be transported to Ankleshwar in Gujarat for incineration. The Court will initiate contempt proceedings in case of any obstruction on the part of any authorities in implementation of the direction of the Court. The aforesaid direction will be carried out within six weeks.</p> <p>List this matter on 3.2.2009.</p> <p style="text-align: center;"><i>sd</i> <b>(A.K. Patnaik)</b> Chief Justice</p> <p style="text-align: center;"><i>sd</i> <b>(Ajit Singh)</b> Judge</p> <p>D/</p> <div style="text-align: center;"><p><b>TRUE COPY</b> Head Copyist, High Court of Madhya Pradesh JABALPUR</p></div>



# HIGH COURT OF MADHYA PRADESH

ORDER SHEET

CASE No. .... 200 .....

..... Vs. ....

DATE OF THE ORDER	ORDER
	<p>Department of Chemicals and Petrochemicals, Ministry of Chemicals &amp; Fertilizers, Government of India. An affidavit has also been filed on behalf of the Union of India by the Under Secretary, Department of Chemicals and Petrochemicals, Ministry of Chemicals and Fertilizers enclosing therewith a copy of the report of the team of the CPCB team, which indicates that the BEIL Incinerator at Ankleshwar will be able to receive 350 MT of waste from the UCIL Factory at Bhopal for incineration in 31 days after 15.10.2008 by which time, the excess stock of the incinerator would have been reduced to less than 90 days installed capacity as reported by the CPCB. Accordingly, a prayer had been made by the Union of India to the Court to consider issuing suitable directions to the Government of Gujarat/GPCB to allow the BEIL Incinerator at Ankleshwar to receive 350 MT of waste from the UCIL Bhopal in 30 days after 15.10.2008. The period of 30 days after 15.10.2008 has already expired.</p> <p>Mr. Dharmadhikari, learned counsel appearing for the Gujarat Pollution Control Board submitted that the Government of Gujarat has decided not to allow the transportation of 350 MT of waste through the State of Gujarat to Ankleshwar for incineration. He was, however, not in a position to apprise the Court under which provision of law the State Government of Gujarat could prevent the transportation of the waste from the UCIL Factory at Bhopal to Ankleshwar in Gujarat when this Court in exercise of its powers under Art 226 of the Constitution has issued directions for transportation of 350 MT of waste from the UCIL Factory at Bhopal to Ankleshwar for incineration.</p> <p>Since 30.3.2003, this Court has been issuing directions from time to time for removal of the waste from the UCIL Factory at Bhopal. After the State Government of Gujarat and the Gujarat State Pollution</p>

