
(2000) 02 SC CK 0144

Supreme Court of India

Case No: Slp (C) No. 23158 Of 1996 With Ia No. 1 In Slp (C) No. Cc No. 2198 Of 1997 Case
No: 23158 of 1996

Pollution Control Board,
Assam

APPELLANT

Vs

Mahabir Coke Industry
and Another

RESPONDENT

Date of Decision: Feb. 17, 2000

Citation: AIR 2000 SC 2052 : (2000) AIRSCW 3386 : (2000) 10 JT 147(1) : (1996) 5 JT 372 :
(2000) 6 SCALE 315 : (1995) 4 SCALE 789 : (2000) 7 SCC 422 : (2000) 3 SCR 12 Supp :
(1996) 2 SCR 796 Supp : (2000) 6 Supreme 139

Hon'ble Judges: K. T. Thomas, J; D. P. Mohapatra, J

Bench: Division Bench

Advocate: Vijay Panjawani, Rakesh Khanna, Pallavi Chaudhary, Surya Kant Sharma, M L
Lahoty, Paban Sharma, Himanshu Shekhar

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

1. On reading the joint inspection report dated 10/11/1999, we entertained a serious doubt as to how the "experts" who signed the said report could say that the emission level of particulate matter of Units 1 and 2 conformed to the stipulated standard of 350 mg/Nm, particularly when the factory is situated in a thickly-populated area. We, therefore, directed them to clarify the position. In the affidavit, now sworn to by Shri Lalit Kapoor, Senior Environmental Engineer, Central Pollution Control Board (CPCB), East Arjun Nagar, Delhi dated 4/2/2000, he has stated thus:

"THUS as regards the clarification with respect to the location of the petitioner industry, it is submitted that according to the masterplan for Guwahati (land use plan 2001) the industry M/s Mahabir Coke is situated in a barsajar area, which is earmarked as public and semi-public area. Therefore, the standards of ambient air quality for SPM, 140 um/m

(annual average) and 200 ug/m (24 hours) will apply. The notification of the masterplan for Guwahati was issued on 26/9/1986, whereas the industry was granted NOC for industrial use by the Municipal Corporation of Guwahati vide Memo No. GPL/150/8513, dated 6-3- 1985."

2. We are disturbed to note that the three signatories (their names are: R.C. Kataria, EE, CPCB; C. Bhaduri, REE, PCB, Assam; and M.C. Choudhury, EE, CPCB) of the joint inspection report, who are seemingly experts in the field had prima facie abdicated their duties while reporting to this Court that the industry has conformed to the stipulated standard. Parliament has chosen to repose confidence in the authorities under the Pollution Control Board, so that human beings, who are to survive by breathing air while living in thickly-habituated places located near to industries, can have a reasonably healthy life. When such authorities themselves have shown prima facie such dereliction of their duties, they must be made answerable for it. We, therefore, require them to show cause why we should not pass necessary directions in the matter.

3. Notice should go to the above three signatories of the report returnable within 4 weeks.

4. In the meanwhile we direct Unit 1 and Unit 2 to be closed down. All authorities concerned should ensure that this order of the Court is complied with strictly.

5. It is open to the industry either to conform to the required standards and inform the Court or substantiate that the facilities already installed are sufficient to keep up the required standard.